EXHIBIT A

1 [Counsel Listed on Signature Pages] 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 OAKLAND DIVISION 11 12 People of the State of California, et al. MDL No. 3047 13 14 Case No. 4:23-cv-05448-YGR ν. 15 Meta Platforms, Inc., Instagram, LLC, Meta 4:23-cv-05885-YGR Payments, Inc., Meta Platforms Technologies, 16 LLC Honorable Yvonne Gonzalez Rogers 17 META DEFENDANTS' NOTICE OF Office of the Attorney General, State of Florida INTENT TO SERVE SUBPOENAS 18 Department of Legal Affairs 19 ν. 20 Meta Platforms, Inc., Instagram LLC 21 22 IN RE: SOCIAL MEDIA ADOLESCENT 23 ADDICTION/PERSONAL INJURY PRODUCTS LIABILITY LITIGATION 24 THIS DOCUMENT RELATES TO: 25 4:23-cv-05448 26 27 28

- 1		
1	Pursuant to Federal Rule of Civil Procedure 45(a)(4), Defendants Meta Platforms,	
2	Inc. f/k/a Facebook, Inc.; Facebook Holdings, LLC; Facebook Operations, LLC;	
3	Facebook Payments, Inc.; Facebook Technologies, LLC; Instagram, LLC; and Siculus,	
4	Inc. provide notice that they intend to serve the attached subpoenas to:	
5	1. California Department of Child Support Services	
6	2. California Department of Education	
7	3. California Mental Health Services Oversight and Accountability Commission	
8	4. Colorado Behavioral Health Administration	
	5. Colorado Department of Education	
9	6. Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities	
10	7. Kentucky Department of Education	
11	8. New Jersey Department of Education	
12	9. New Jersey Department of Health	
13	10. New Jersey Governor's Council on Mental Health Stigma	
14		
15	Dated: July 17, 2024 Respectfully submitted,	
16	COVINGTON & BURLING LLP	
17		
18	By: /s/ Ashley M. Simonsen Ashley M. Simonsen, SBN 275203	
19	COVINGTON & BURLING LLP	
20	1999 Avenue of the Stars Los Angeles, CA 90067	
20	Telephone: (424) 332-4800 Facsimile: + 1 (424) 332-4749	
	Email: asimonsen@cov.com	
22	Phyllis A. Jones, pro hac vice	
23	Paul W. Schmidt, pro hac vice	
24	COVINGTON & BURLING LLP One City Center	
25	850 Tenth Street, NW	
26	Washington, DC 20001-4956 Telephone: + 1 (202) 662-6000	
27	Facsimile: + 1 (202) 662-6291	
	Email: pajones@cov.com Email: pschmidt@cov.com	
28	Linan. pseninut@cov.com	

Case 4:23-cv-05448-YGR Document 116-3 Filed 07/24/24 Page 4 of 439

1	Attorneys for Defendants Meta Platforms, Inc. f/k/a Facebook, Inc.; Facebook
2	Holdings, LLC; Facebook Operations, LLC; Facebook Payments, Inc.; Facebook
3	Technologies, LLC; Instagram, LLC;
4	Siculus, Inc.
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1 **CERTIFICATE OF SERVICE** 2 I hereby certify that on July 17, 2024, a true and correct copy of Notice of Intent to Serve 3 Subpoena, were served upon the following by email: 4 Laura Dilweg Consumer Protection Section Chief Counsel 5 Nathan Whelihan, pro hac vice Assistant Attorney General 6 Arizona Attorney General's Office 2005 North Central Avenue 7 Phoenix, AZ 85004 Phone: (602) 542-3725 8 Fax: (602) 542-4377 Laura.Dilweg@azag.gov 9 Nathan. Whelihan@azag.gov 10 Attorneys for Plaintiff State of Arizona, ex rel. Kristin K. Mayes, Attorney General 11 12 Nicklas A. Akers Senior Assistant Attorney General 13 Bernard Eskandari Supervising Deputy Attorney General 14 Megan O'Neill Joshua Olszewski-Jubelirer 15 Marissa Roy Deputy Attorneys General 16 California Department of Justice Office of the Attorney General 17 455 Golden Gate Ave., Suite 11000 San Francisco, CA 94102-7004 18 Phone: (415) 510-4400 Fax: (415) 703-5480 19 nicklas.akers@doj.ca.gov bernard.eskandari@doj.ca.gov 20 megan.oneill@doj.ca.gov joshua.olszewskijubelirer@doj.ca.gov 21 marissa.roy@doj.ca.gov 22 Attorneys for Plaintiff the People of the State of California 23 24 25 26 27 28

1	Bianca E. Miyata Senior Assistant Attorney General
2	Lauren M. Dickey First Assistant Attorney General
3	Megan Paris Rundlet Senior Assistant Solicitor General
4	Elizabeth Orem Assistant Attorney General
5	Colorado Department of Law
	Ralph L. Carr Judicial Center Consumer Protection Section
6	1300 Broadway, 7th Floor Denver, CO 80203
7	Phone: (720) 508-6651 bianca.miyata@coag.gov
8	lauren.dickey@coag.gov
9	megan.rundlet@coag.gov beth.orem@coag.gov
10	Attorneys for the State of Colorado
11	
12	Lauren H. Bidra Special Counsel for Media and Technology
13	Krislyn M. Launer Ashley H. Meskill
14	Assistant Attorneys General
	Connecticut Office of the Attorney General 165 Capitol Avenue Hartford, Connecticut 06106
15	Phone: 860-808-5306 Fax: 860-808-5593
16	<u>Lauren.Bidra@ct.gov</u> <u>Krislyn.Launer@ct.gov</u>
17	Ashley.Meskill@ct.gov
18	Attorneys for Plaintiff State of Connecticut
19	
20	Marion Quirk Director of Consumer Protection Dashiell Radosti
21	Deputy Attorney General
22	Delaware Department of Justice 820 N. French Street, 5th Floor
23	Wilmington, DE 19801 Phone: (302) 683-8800
24	Marion.quirk@delaware.gov Dashiell.Radosti@delaware.gov
25	Attorneys for Plaintiff State of Delaware
26	
27	
28	

1	Victoria Ann Butler Director of Consumer Protection Litigation	John M. Guard Chief Deputy Attorney General
2	3507 E. Frontage Road, Suite 325 Tampa, FL 33607	PL-01 The Capitol Tallahassee, FL 32399
3	Telephone: (813) 287-7950 Victoria.butler@myfloridalegal.com	John.guard@myfloridalegal.com
4	Nicholas J. Weilhammer Associate Deputy Attorney General for	Donna Cecilia Valin Special Counsel, Assistant Attorney General 135 West Central Blvd.
5	Enforcement PL-01 The Capitol	Orlando, FL 32801 Telephone: (407) 316-4840
6	Tallahassee, FL 32399 Telephone: (850) 414-3861	Donna.valin@myfloridalegal.com
7	Nicholas.weilhammer@myfloridalegal.com	
8	Karen E. Berger Special Counsel, Assistant Attorney General	
9	110 SE 6th Street, 10th Floor Fort Lauderdale, FL 33301	
10	Telephone: (954) 712-4600 Karen.berger@myfloridalegal.com	
11		
12	Attorneys for Office of the Attorney General, State of Florida, Department of Legal Affairs	
13	Melissa M. Devine	
14	Assistant Attorney General	
15	Office of the Attorney General of the State of Geo 2 Martin Luther King Jr. Drive, SE, Ste. 356	orgia
16	Atlanta, GA 30334 Phone: (404) 458-3765	
17	Fax: (404) 651-9108 mdevine@law.ga.gov	
18	Attorneys for Plaintiff State of Georgia	
19	Davion C. Voo	
20	Bryan C. Yee Supervising Deputy Attorney General Christopher T. Han	
21	Deputy Attorney General Department of the Attorney General	
22	Commerce and Economic Development Division	
23	425 Queen Street Honolulu, Hawai'i 96813	
24	Phone: (808) 586-1180 Bryan.c.yee@hawaii.gov	
25	Christopher.t.han@hawaii.gov	
26	Attorneys for Plaintiff State of Hawaii	
27		
28		

1 2 3 4 5 6	Nathan H. Nielson Stephanie N. Guyon Deputy Attorneys General Attorney General's Office P.O. Box 83720 Boise, ID 83720-0010 (208) 334-2424 nathan.nielson@ag.idaho.gov stephanie.guyon@ag.idaho.gov Attorneys for Plaintiff State of Idaho
7	Susan Ellis
8	Chief, Consumer Protection Division Greg Grzeskiewicz
9	Chief, Consumer Fraud Bureau Jacob Gilbert
10	Deputy Chief, Consumer Fraud Bureau
	Daniel Edelstein Supervising Attorney, Consumer Fraud Bureau
11	Kevin Whelan Supervising Attorney, Consumer Fraud Bureau
12	Matthew Davies Assistant Attorney General, Consumer Fraud Bureau
13	Adam Sokol Senior Assistant Attorney General, Consumer Fraud Bureau Emily María Migliore,
14	Assistant Attorney General, Consumer Fraud Bureau Office of the Illinois Attorney General
15	115 S. LaSalle Street
16	Chicago, Illinois 60603 312-814-8554
17	Susan.Ellis@ilag.gov Greg.Grzeskiewicz@ilag.gov
18	Jacob.Gilbert@ilag.gov Daniel.Edelstein@ilag.gov
19	Kevin.Whelan@ilag.gov Adam.Sokol@ilag.gov
20	Emily.Migliore@ilag.gov
21	Attorneys for Plaintiff the People of the State of Illinois
22	
23	
24	
25	
26	
27	
28	

1	Scott L. Barnhart Chief Counsel and Director of Consumer Protection
2	Corinne Gilchrist Section Chief, Consumer Litigation
3	Mark M. Snodgrass Deputy Attorney General
4	Office of the Indiana Attorney General Indiana Government Center South
5	302 West Washington St., 5th Floor Indianapolis, IN 46203
6	Telephone: (317) 232-6309 Scott.Barnhart@atg.in.gov
7	Corinne.Gilchrist@atg.in.gov Mark.Snodgrass@atg.in.gov
8	Attorneys for Plaintiff State of Indiana
9	
10	Sarah M. Dietz Assistant Attorney General
11	Office of the Attorney General 120 SW 10th Avenue, 2nd Floor
12	Topeka, Kansas 66612 Telephone: (785) 296-3751
13	Fax: (785) 296-3131 <u>sarah.dietz@ag.ks.gov</u>
14	Attorney for Plaintiff State of Kansas
15	
16	J. Christian Lewis Philip Heleringer
17	Zachary Richards Daniel I. Keiser
18	Assistant Attorneys General 1024 Capital Center Drive, Ste. 200
19	Frankfort, KY 40601 <u>Christian.Lewis@ky.gov</u>
20	Philip.Heleringer@ky.gov Zach.Richards@ky.gov
21	Daniel.Keiser@ky.gov Phone: (502) 696-5300
22	Fax: (502) 564-2698
23	Attorneys for Plaintiff the Commonwealth of Kentucky
24	
25	
26	
27	
28	
- 1	

- 1	
1	Arham Mughal L. Christopher Styron
2	Assistant Attorneys General Louisiana Department of Justice
3	Office of the Attorney General Public Protection Division
4	Consumer Protection Section 1885 N 3rd Street, 4th Floor
5	Baton Rouge, LA 70802 Tel: (225) 326-6438
6	MughalA@ag.louisiana.gov StyronL@ag.louisiana.gov
7	Attorneys for State of Louisiana
8	Allorneys for State of Louisiana
9	Michael Devine Laura Lee Barry Wommack
10	Assistant Attorneys General Office of the Maine Attorney General
11	6 State House Station Augusta, ME 04333
12	(207) 626-8800 michael.devine@maine.gov
13	lauralee.barrywommack@maine.gov
14	Attorneys for Plaintiff State of Maine
15	Philip D. Ziperman
16	Deputy Chief, Consumer Protection Division Elizabeth J. Stern
17	Assistant Attorney General Office of the Attorney General of Maryland
18	200 St. Paul Place Baltimore, MD 21202
19	Phone: (410) 576-6417 (Mr. Ziperman) Phone: (410) 576-7226 (Ms. Stern)
20	Fax: (410) 576-6566 pziperman@oag.state.md.us
21	estern@oag.state.md.us
22	Attorneys for Plaintiff Office of the Attorney General of Maryland
23	
24	
25	
26	
27	
$_{28}$	

1 2 3 4 5 6 7 8 9 10 10 10 10 10 10 10 10 10 10 10 10 10	Daniel J. Ping Assistant Attorney General Michigan Department of Attorney General Corporate Oversight Division P.O. Box 30736 Lansing, MI 48909 517-335-7632 PingD@michigan.gov Attorneys for Plaintiff State of Michigan Caitlin M. Micko Assistant Attorney General Consumer Protection Division Office of the Minnesota Attorney General 445 Minnesota Street, Suite 1200 St. Paul, MN 55101-2130
10	Tel: (651) 724-9180 caitlin.micko@ag.state.mn.us
12	Attorney for Plaintiff State of Minnesota, by its Attorney General, Keith Ellison
13	
14	Michael Schwalbert Assistant Attorney General
15 16 17 18	Consumer Protection Section Missouri Attorney General's Office 815 Olive Street Suite 200 Saint Louis, Missouri 63101 michael.schwalbert@ago.mo.gov Phone: 314-340-7888 Fax: 314-340-7981
19	Attorney for Plaintiff State of Missouri, ex rel. Andrew Bailey, Attorney General
20	
21	
22	
23	
24	
25	
26 27	
28	
20	10

1	Anna Schneider Office of Consumer Protection Department Of Justice P.O. Box 200151	David H. Thompson Cooper & Kirk PLLC 1523 New Hampshire Avenue Nw
2	Helena, MT 59620-0151	Washington, DĈ 20036
3	406-444-5791 Anna.Schneider@mt.Gov	(202) 220-9600 Fax: (202) 220-9601 <u>Dthompson@cooperkirk.Com</u>
4	Athanasia Livas	Megan Marie Wold
5	Cooper & Kirk, PLLC 1523 New Hampshire Avenue, N.W. Washington, DC 20036	Cooper & Kirk, PLLC 1523 New Hampshire Ave., Nw Washington, DC 20036
6	202-220-9600 Alivas@cooperkirk.Com	202-220-9650 Mwold@cooperkirk.Com
7		•
8	Brian W. Barnes Cooper and Kirk, PLLC 1523 New Hampshire, Nw	Michael W. Kirk ATTORNEY TO BE NOTICED Cooper & Kirk, PLLC
9	Washington, DC 20036 202-220-9623	1523 New Hampshire Avenue, Nw Washington, Dc 2003
10	Bbarnes@cooperkirk.Com	202.220.9600 mkirk@cooperkirk.com
12	Attorneys for Plaintiff State Montana	
13		
14	Colin P. Snider Assistant Attorney General	
15	Nebraska Attorney General's Office 2115 State Capitol Building Lincoln, NE 68509	
16	Phone: (402) 471-2682 colin.snider@nebraska.gov	
17	Attorney for Plaintiff State of Nebraska	
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		

1	Kashif T. Chand Section Chief, Deputy Attorney General
2	Thomas Huynh
2	Assistant Section Chief, Deputy Attorney General Gina F. Pittore
3	Verna J. Pradaxay
4	Mandy K. Wang
7	Deputy Attorneys General New Jersey Office of the Attorney General, Division of Law
5	124 Halsey Street, 5th Floor
6	Newark, NJ 07101
6	Tel: (973) 648-2052 Kashif.Chand@law.njoag.gov
7	Thomas.Huynh@law.njoag.gov
8	Gina.Pittore@law.njoag.gov
	Verna.Pradaxay@law.njoag.gov Mandy.Wang@law.njoag.gov
9	Trainey. Wang Clawing Oug. gov
10	Attorneys for Plaintiffs State of New Jersey and the New Jersey Division of Consumer Affairs
11	
	Christopher D'Angelo
12	Chief Deputy Attorney General,
13	Economic Justice Division
	Clark Russell
14	Deputy Chief, Bureau of Internet and Technology Nathaniel Kosslyn
15	Assistant Attorney General
1.	New York State Office of the Attorney General
16	28 Liberty Street
17	New York, NY 10005
18	(212) 416-8262 Christopher.D'Angelo@ag.ny.gov
10	Clark.Russell@ag.ny.gov
19	Nathaniel.Kosslyn@ag.ny.gov
20	Attorneys for Plaintiff the People of the State
21	of New York
22	Kevin Anderson
23	Senior Counsel N.C. Department of Justice
24	Post Office Box 629
	Raleigh, North Carolina 27602 Telephone: (919) 716-6006
25	Facsimile: (919) 716-6050
26	kander@ncdoj.gov
	Attorneys for Plaintiff State of North Carolina
27	
28	Elin S. Alm
- 1	13

1	Assistant Attorney General
	Christopher G. Lindblad Assistant Attorney General
2	Consumer Protection and Antitrust Division
3	Office of Attorney General
	1720 Burlington Drive, Suite C
4	Bismarck, ND 58504-7736
5	Telephone (701) 328-5570
6	ealm@nd.gov clindblad@nd.gov
7	Attorneys for Plaintiff State of North Dakota,
8	ex rel. Drew H. Wrigley, Attorney General
9	Melissa G. Wright
10	Section Chief, Consumer Protection Section Melissa S. Smith
11	Asst. Section Chief, Consumer Protection Section
12	Michael S. Ziegler
	Principal Assistant Attorney General
13	Kevin R. Walsh, pro hac vice
14	Senior Assistant Attorney General 30 East Broad Street, 14 th Floor
15	Columbus, Ohio 43215
	Tel: 614-466-1031
16	Melissa.Wright@ohioago.gov
17	Melissa.S.Smith@ohioago.gov
	Michael.Ziegler@ohioago.gov Kevin.Walsh@ohioago.gov
18	Kevin. Waish & Oliougo.gov
19	Attorneys for State of Ohio, ex rel. Attorney General Dave Yost
20	
21	Jordan M. Roberts
22	Assistant Attorney General Oregon Department of Justice
	Consumer Protection Section
23	100 SW Market Street
24	Portland, Oregon 97201
25	Telephone: (971) 673-1880 Facsimile: (971) 673-1884
	1°acsimile. (7/1) 0/3-1004
26	
27	

1	jordan.m.roberts@doj.state.or.us
2	Attorneys for State of Oregon, ex rel. Ellen F. Rosenblum, Attorney General
3	for the State of Oregon
4	Timothy R. Murphy
5	Senior Deputy Attorney General Jonathan R. Burns
6	Deputy Attorney General Pennsylvania Office of Attorney General
7	Strawberry Square, 14 th Floor Harrisburg, PA 17120
8	Tel: 717.787.4530 tmurphy@attorneygeneral.gov
9	jburns@attorneygeneral.gov
10	Attorneys for Plaintiff the Commonwealth of Pennsylvania
11	Stephen N. Provazza
12	Special Assistant Attorney General Rhode Island Office of the Attorney General
13	150 South Main St.
14	Providence, RI 02903 Phone: 401-274-4400
15	SProvazza@riag.ri.gov
16	Attorneys for Plaintiff State of Rhode Island
17	
18	Jared Q. Libet
19 20	Assistant Deputy Attorney General Anna C. Smith
$\begin{bmatrix} 20 \\ 21 \end{bmatrix}$	Assistant Attorney General Clark C. Kirkland, Jr. Assistant Attorney General
22	P.O. Box 11549 Columbia, South Carolina 29211
23	Tel: (803) 734-0536 ilibet@scag.gov
24	annasmith@scag.gov ckirkland@scag.gov
25	Attorneys for Plaintiff the State of South
26	Carolina, ex rel. Alan M. Wilson, in His Official Capacity as Attorney General
27	of the State of South Carolina
28	

1 2 3	Jessica M. LaMie Assistant Attorney General 1302 East Highway 14, Suite 1 Pierre, SD 57501-8501 Telephone: (605) 773-3215
4	Jessica.LaMie@state.sd.us
5	Attorneys for Plaintiff State of South Dakota
6	Joelle E. Gotwals Assistant Attorney General
7	Office of the Attorney General of Virginia Consumer Protection Section
8	202 N. 9th Street Richmond, Virginia 23219
9	Telephone: (804) 786-8789 Facsimile: (804) 786-0122
10	jgotwals@oag.state.va.us
11	Attorneys for the Plaintiff Commonwealth of Virginia ex rel. Jason S. Miyares, Attorney General
12	Thiorney General
13	Joseph Kanada Alexandra Kory
14	Alexia M. Diorio Assistant Attorneys General
15	Washington State Office of the Attorney General 800 Fifth Avenue, Suite 2000
16	Seattle, WA 98104 (206) 389-3843
17 18	Joe.Kanada@atg.wa.gov Alexandra.kory@atg.wa.gov Alexia.diorio@atg.wa.gov
19	Attorneys for Plaintiff State of Washington
20	
21	R. Duane Harlow Assistant Attorney General
22	Wisconsin Department of Justice Post Office Box 7857
23	Madison, Wisconsin 53707-7857 (608) 266-2950
24	harlowrd@doj.state.wi.us
25	Attorneys for Plaintiff State of Wisconsin
26	Laural W. Laskay
27	Laurel K. Lackey Assistant Attorney General
28	Office of the Attorney General

Case 4:23-cv-05448-YGR Document 116-3 Filed 07/24/24 Page 17 of 439

1	Consumer Protection & Antitrust Division Eastern Panhandle Office	
2	269 Aikens Center	
	Martinsburg, West Virginia 25404	
3	(304) 267-0239 <u>laurel.k.lackey@wvago.gov</u>	
4	iaurer.k.iackey@wvago.gov	
5	Attorneys for Plaintiff State of West Virginia, ex rel. Patrick Morrisey, Attorney General	
6		
7		
8		
9		
10		By: /s/ Ashley M. Simonsen Ashley M. Simonsen
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COVINGTON

BEIJING BOSTON BRUSSELS DUBAI FRANKFURT
JOHANNESBURG LONDON LOS ANGELES NEW YORK
PALO ALTO SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP Salesforce Tower 415 Mission Street, Suite 5400 San Francisco, CA 94105-2533 T +1 415 591 6000

DELIVERED VIA PROCESS SERVER

July 17, 2024

California Department of Child Support Services 11150 International Drive Rancho Cordova, CA 95670

Re: People of the State of California v. Meta Platforms, Inc., 4:23-cv-05448

Dear Sir/Madam:

Enclosed please find a subpoena being served upon you in connection with the above-captioned litigation currently pending in the U.S. District Court for the Northern District of California. I represent Defendants Meta Platforms, Inc.; Instagram, LLC, Meta Payments, Inc., Meta Platforms Technologies, LC and Mark Zuckerberg (collectively, the "Meta Defendants") in this matter.

The document subpoena requests the production of specific documents identified in the attached subpoena (see Attachment A to the subpoena), which are requested to be produced by 10 am on August 19, 2024. We are willing to work with you on the time, date, location, method and manner of document production, as well as answer any questions or concerns you may have regarding subpoena compliance. It is sufficient compliance with this subpoena if you electronically transmit a copy of the requested documents to the undersigned. As such, please contact me at kpatchen@cov.com and 415-591-6031, to discuss document production and subpoena compliance, unless you are already represented by counsel in connection with this matter.

The Court is currently considering whether the California Attorney General's Office has control over California Department of Child Support Services information for the purposes of discovery in this action. If the Court rules that the California Attorney General's Office has control over California Department of Child Support Services' information, the California Attorney General has pending discovery requests that seek this agency's documents. By serving this subpoena, Meta does not waive its position in the state agency dispute, nor does Meta in any way waive rights to compel the California Attorney General to produce California Department of Child Support Services' information as part of discovery in this action. However, to avoid further delay in the production of information from the California Department of Child Support Services, Meta is serving the attached subpoena to request the timely production of this information.

Your anticipated time and assistance with this matter is greatly appreciated.

COVINGTON

California Department of Child Support Services July 17, 2024 Page 2

Best regards,

/s/ E. Kate Patchen

E. Kate Patchen

Enclosed: Subpoena, Attachment A, and Attachment B

UNITED STATES DISTRICT COURT

for the

Northern District of	California	
People of the State of California, et al.		
) Plaintiff)		
v.)	Civil Action No. 4:23-cv-05448	
Meta Platforms, Inc., et al.		
Defendant)		
SUBPOENA TO PRODUCE DOCUMENTS OR TO PERMIT INSPECTION OF PR		
To: California Department of Child Support Services		
11150 International Drive, Rancho Cordova, CA 95670		
(Name of person to whom the	sis subpoena is directed)	
Places Charle Hardy & Bassa Attendary for Physic Karrers	Data and Time:	
Place: Shook, Hardy & Bacon, Attn: Jennifer Blues Kenyon 555 Mission Street, Suite 2300	Date and Time:	
San Francisco, CA 94105	10 a.m. on August 19, 2024	
other property possessed or controlled by you at the time, date, as may inspect, measure, survey, photograph, test, or sample the property place:	1 01 •	
The following provisions of Fed. R. Civ. P. 45 are attach Rule 45(d), relating to your protection as a person subject to a surespond to this subpoena and the potential consequences of not d Date:	bpoena; and Rule 45(e) and (g), relating to your duty to	
CLERK OF COURT		
	OR	
Signature of Clark on Depute Clark	/s/ Ashley Simonsen	
Signature of Clerk or Deputy Clerk	Attorney's signature	
The name, address, e-mail address, and telephone number of the	attorney representing (name of party)	
Meta Platforms, Inc. f/k/a Facebook, Inc.; Instagram, LLC, Meta Payments, Inc.	D.,	
Meta Platforms Technologies, LLC; and Mark Zuckerberg, Ashley Simonsen, Covington & Burling LLP, 1999 Avenue of the Stars,	who issues or requests this subpoena, are:	

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 4:23-cv-01615

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

date)	abpoena for (name of individual and title, if an						
☐ I served the s	☐ I served the subpoena by delivering a copy to the named person as follows:						
		on (date) ;	or				
☐ I returned the	☐ I returned the subpoena unexecuted because:						
Unless the subpoena was issued on behalf of the United States, or one of its officers or agents tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the state of the witness the fees for one day's attendance, and the mileage allowed by law, in the state of the witness the fees for one day's attendance, and the mileage allowed by law, in the state of the witness the fees for one day's attendance, and the mileage allowed by law, in the state of the witness the fees for one day's attendance, and the mileage allowed by law, in the state of the witness the fees for one day's attendance, and the mileage allowed by law, in the state of the witness the fees for one day's attendance, and the mileage allowed by law, in the state of the witness the fees for one day's attendance, and the mileage allowed by law, in the state of the witness the fees for one day's attendance, and the mileage allowed by law, in the state of the witness the fees for one day's attendance, and the mileage allowed by law, in the state of the witness that the state of the witness the fees for one day's attendance, and the mileage allowed by law, in the state of the witness that the state of the witness the state of the witness that the witness							
fees are \$	for travel and \$	for services, for a total of \$	0.00				
I declare under p	penalty of perjury that this information i	s true.					
::		Server's signature					
		Printed name and title					
		Trinea name ana mie					

Additional information regarding attempted service, etc.:

Print Save As... Add Attachment Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

DEFINITIONS AND INSTRUCTIONS TO ATTACHMENT A

DEFINITIONS

- 1. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- 2. "Document" or "documents" shall have the broadest meaning ascribed to it by the Federal Rules of Civil Procedure, and includes, without limitation electronically stored information ("ESI") (including, without limitation, electronic databases and the data therein, all electronic messages or communications, electronic word processing documents, electronically stored voicemail, webpages, and social media posts) in accordance with any order in this case governing ESI at the time of production. Different versions of the same documents, including, but not limited to, drafts or documents with handwritten notations or marks not found in the original or on other copies are different documents.
 - 3. "You", "you", "Your" and "your" means the California Department of Child Support Services.
- 4. "Relating" or "related to" means and includes referring to, concerning, referencing, mentioning, associated with, constituting, discussing, containing, embodying, recording, reflecting, identifying, summarizing, incorporating, and/or dealing with or pertaining to in any way.
 - 5. "And" includes "or", and vice versa.
 - 6. The singular form of a word or term includes the plural, and vice versa.
 - 7. The present tense of a verb includes the past tense, and vice versa.
- 8. The use of the article "the" shall not be construed as limiting the scope of any request.

- 9. "Including" means "including without limitation."
- 10. "Any" includes "all", and vice versa.
- 11. The capitalized version of a word or term includes the lower case version of a word or term, and vice versa.
- 12. "Social Media Platforms" or "Platforms" means a digital service that facilitates interactions between two or more distinct but interdependent sets of users, including but not limited to Facebook, Instagram, Snapchat, TikTok, YouTube, Twitter (or "X"), Pinterest, LinkedIn, BeReal, Lapse, Reddit, Threads, VSCO, Goodreads, Quora, Discord, Twitch, and Tumblr.
- 13. "Young Users" means users of Social Platforms who are under 18 years of age when using the Platform(s).

All words, terms, and phrases not specifically defined herein are to be given their normal and customary meaning in the context in which they are used in these Requests.

INSTRUCTIONS

- 1. These Requests are intended to cover any and all documents in your possession, custody, or control, to the extent not privileged. Documents held by any office, department, board, commission, or instrumentality of the California Department of Child Support Services are within your possession, custody, or control.
- 2. In accordance with ESI Protocol attached hereto as Attachment B, if you object to furnishing any of the documents or information requested by these Requests on the grounds of attorney-client privilege, work product, other privilege, or otherwise then, with respect to each such document:
 - a. state the nature of the privilege claimed;
 - b. state the date of each communication supporting the privilege claim;

- c. identify all participants in the supporting communication;
- d. state the specific grounds on which the objection is based; and
- e. identify the specific request calling for such information;
- 2. If you object to any Request on the grounds that it is vague or ambiguous, state: (i) the portions or terms of such Request that you claim to be vague or ambiguous; and (ii) the interpretation of the Request pursuant to which you provide a response.
- 3. Each request shall be deemed continuing, so as to require supplemental or mandatory responses should you obtain additional responsive information subsequent to your initial responses.
- 4. If you cannot fully respond to a particular Request after exercising due diligence to make inquiry and to secure the necessary information, provide a response to the extent possible, specifying your inability to respond to the remainder and providing whatever information or knowledge you have concerning the portion not responded to.
- 5. Each page of a produced document shall have a legible, unique page identifier ("Bates Number") and confidentiality legend (where applicable) on the face of the image at a location that does not obliterate, conceal, or interfere with any information from the source document. Redactions should be clearly marked or stamped on the page in such a way that it is clear from review that a portion of the image has been redacted.
- 6. All responsive and non-privileged electronic documents shall be produced in the format ordered by the Court in its ESI order.
- 7. All responsive electronic documents shall be produced in a format agreed upon by the parties, to include at least native versions of Excel spreadsheets and presentation files, with a Bates-stamped placeholder image.
- 8. Unless otherwise specified, the time period for these Requests is January 1, 2012 to the date of production of the Documents.

ATTACHMENT A

- 1. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of persons ages 13 to 18.
- 2. Research, investigations, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms, including the importance of Social Media Platforms and the use of Social Media Platforms by Young Users and the potential benefits and harms created by the use of Social Media Platforms.
- 3. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of Young Users, including those related to the effects of:
 - a. Social Media Platforms usage;
 - b. Video games usage;
 - c. Cell phone usage;
 - d. Messaging usage;
 - e. Usage of other electronics apart from usage of Social Media Platforms;
 - f. COVID-19 and/or remote learning;
 - g. Use of drugs or alcohol;
 - h. The opioid and fentanyl epidemic;
 - i. Poverty, homelessness, lack of health insurance, and/or food insecurity;
 - j. Physical health including nutrition, exercise, weight management, sleeping habits, and sexual activity;
 - k. Family trauma or deaths;
 - 1. Academic pressure;
 - m. Violence, including school violence, domestic violence, gun violence, gun control and/or mass shootings;
 - n. Bullying or verbal abuse apart from usage of Social Media Platforms;
 - o. Political polarization;
 - p. Natural disasters;
 - q. Climate change;
 - r. Discrimination and inequity;
 - s. Global warfare and conflict; and
 - t. Any other potential causes of harms to the mental, social, emotional, or behavioral health of Young Users.
- 4. Youth Risk Behavior Surveys conducted by the California Department of Child Support Services or on its behalf.
- 5. Research, investigations, studies, surveys, reports, evaluations, or analyses related to:
 - a. Features of Social Media Platforms that are psychologically or physically harmful to Young Users;
 - b. Features of Social Media Platforms that promote compulsive, prolonged, or unhealthy use by Young Users;
 - c. The impact of features of Social Media Platforms, including:

- (1) Algorithmic recommendation and sequencing;
- (2) Image filters;
- (3) Use of multiple user accounts;
- (4) Infinite scroll;
- (5) Ephemeral content features;
- (6) Autoplay;
- (7) Quantification and display of likes; or
- (8) Audiovisual and haptic alerts.
- 6. Programs, initiatives, efforts, or actions proposed or taken by the California Department of Child Support Services to address Young Users' use of Social Media Platforms, including any program, initiative, effort, or action to prevent, limit, encourage, or promote the use of Social Media Platforms by Young Users.
- 7. Policies proposed, recommended, or enacted by the California Department of Child Support Services regarding screen time and acceptable use of cell phones, computers, tablets, or other electronic devices by Young Users.
- 8. Complaints to the California Department of Child Support Services by teachers or school districts regarding social media or cell phone use by Young Users and/or the need for acceptable use or other policies to address Young Users' use of social media or cell phones.
- 9. Complaints to the California Department of Child Support Services by teachers or school districts regarding budget crises from inflation, underfunding, unfunded mandates, and other causes.
- 10. Documents related to state assessments in California, including reports and analyses regarding the history of K-12 state assessment or standardized testing scores, performance by schools and/or school districts, and any other measures of school performance.
- 11. Legislation or policies proposed by, proposed on behalf of, or testified on by the California Department of Child Support Services, regardless of whether such legislation or policies were enacted, regarding Young Users' use of Social Media Platforms.
- 12. Mental, social, emotional, or behavioral health services provided by the California Department of Child Support Services to Young Users during the Relevant Period, including:
 - a. Counseling or therapy;
 - b. Psychiatric services;
 - c. Crisis intervention;
 - d. Inpatient short-term and long-term programs;
 - e. Resource centers; and
 - f. Services for Young Users dealing with substance abuse or addiction issues.

- 13. Any and all California Department of Child Support Services grants to address Young Users' mental health, including information about when, where, why, and how any disbursements were paid, any schedules or plans for future disbursements, policies governing evaluation or approval of such disbursements, records of how the disbursements were used, and all agendas, minutes, notes, or recordings from meetings related to such grant.
- 14. Public or non-public meetings held by the California Department of Child Support Services related to Social Media Platforms and use of Social Media Platforms by Young Users, including but not limited to, notices, meeting notes, PowerPoint presentations, internal memoranda, summaries, personal notes, or attendee lists.
- 15. Policies, procedures, and practices related to the California Department of Child Support Services' use of Social Media Platforms, including communication of information or promotion of California Department of Child Support Services' programs, initiatives, efforts, or actions on Social Media Platforms.
- 16. California Department of Child Support Services' communications and/or collaboration with any Social Media Platform on any program, initiative or other action related to, or directed at, Young Users.
- 17. California Department of Child Support Services' communications with any third party related to Young Users and/or Social Media Platforms.
- 18. Budgeted and actual expenditures by the California Department of Child Support Services during the Relevant Period related to Young Users' use of Social Media Platforms.
- 19. Budgeted and actual expenditures by the California Department of Child Support Services during the Relevant Period related to treatment of teen mental, social, emotional, or behavioral health issues.
- 20. Policies, procedures, and practices applicable to the California Department of Child Support Services and California Department of Child Support Services employees regarding the use of Social Media Platforms, including any changes to these policies during the Relevant Period.
- 21. Studies, programs, initiatives, efforts, or actions proposed or taken by the California Department of Child Support Services that sought to provide or promote internet access or phones, computers, tablets, or other electronic devices to Young Users.
- 22. California Department of Child Support Services' budget and actual expenditures during the Relevant Period, including expenditures on:
 - a. Digital advertisements by the California Department of Child Support Services on Social Media Platforms;
 - b. Digital advertisements by the California Department of Child Support Services purchased through Social Media Platforms.

ATTACHMENT B

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6	IN THE UNITED STATES DISTRICT COURT				
7	FOR THE NORTHERN DISTRICT OF CALIFORNIA				
8		T 100 11 00 15			
9	IN RE: Social Media Adolescent Addiction/Personal Injury Products Liability	MDL No. 3047 Case No. 4:22-md-03047-YGR			
10	Litigation	Honorable Yvonne Gonzalez Rogers			
11	This document relates to: ALL ACTIONS	Honorable Peter H. Kang			
12	ALL ACTIONS	STIPULATION AND [PROPOSED]			
13		ORDER GOVERNING THE PRODUCTION OF			
14		ELECTRONICALLY STORED INFORMATION AND HARD COPY			
15		DOCUMENTS			
16					
17	1. PURPOSE				
18	This Order Governing the Production of Electronically Stored Information and Hard Copy				
19	Documents ("ESI Order") will govern discovery of electronically stored information and any hard				
20	copy documents in this Litigation as a supplement to the Federal Rules of Civil Procedure, this				
21	District's Guidelines for the Discovery of Electronically Stored Information, and any other				
22	applicable orders and rules. "This Litigation" includes all actions currently in MDL No. 3047, <i>In</i>				
23	Re: Social Media Adolescent Addiction/Personal Injury Products Liability, or hereafter added or				
24	transferred to MDL No. 3047, and all actions later remanded to their respective transferor courts.				
25	2. DEFINITIONS				
26	a) "Document" is defined to be synonymous in meaning and equal in scope to the usage				
2.7	ot this term in Rules 26 and 34 of the F	Sederal Rules of Civil Procedure and shall			

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include Hard-Copy Documents and ESI.

- b) "Electronically stored information" or "ESI," as used herein has the same meaning as in Federal Rules of Civil Procedure 26 and 34.
- c) "Hard-Copy Document" means Documents existing in paper form at the time of collection.
- d) "Searchable Text" means the native text extracted from an Electronic Document and any Optical Character Recognition text ("OCR text") generated from a Hard-Copy Document or electronic image.

3. COOPERATION

The Parties are aware of the importance the Court places on cooperation and commit to cooperate in good faith throughout this Litigation consistent with this Court's Guidelines for the Discovery of ESI and this Court's Rules of Professional Conduct. The Parties will endeavor to cooperate in good faith and be reasonably transparent in all aspects of the discovery process.

4. LIAISON

The Parties will identify Discovery Liaisons to each other who are and will be knowledgeable about and responsible for discussing their respective ESI. Any Party is free to change their designated Discovery Liaison by providing written notice to the other Parties. Each Party's Discovery Liaison must: (a) be prepared to meet and confer on discovery-related matters and to participate in discovery dispute resolution; (b) be knowledgeable about the Party's discovery efforts; (c) be, or have reasonable access to those who are, familiar with the Party's electronic systems and capabilities in order to explain those systems and answer relevant questions; and (d) be, or have reasonable access to those who are knowledgeable about the technical aspects of discovery, including electronic document storage, organization, and format issues, and relevant information retrieval technology, including search methodology.

5. IDENTIFICATION OF CUSTODIANS AND DATA SOURCES

The parties will disclose information about custodians and custodial and non-custodial data sources likely to possess relevant or responsive information in accordance with Fed. R. Civ. P. 26 and this District's ESI Guidelines. The Parties will participate in Rule 26(f) discussions guided by this District's Checklist for Rule 26(f) Meet and Confer Regarding Electronically

Stored Information. After responses to Requests for Production under Fed. R. Civ. P. 34 have

been served, the parties will meet and confer regarding those custodians and custodial and non-

custodial data sources from which Documents and ESI will be collected for search and review for

potential production in this litigation. The custodian and data source exchanges will include brief

explanations of the rationale for their selections; for example, for custodians, their current job

titles and descriptions of their work, and for data sources, location information and description.

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6. INACCESSIBLE OR UNUSABLE ESI

If a Producing Party asserts that certain requested ESI is inaccessible or not "reasonably accessible," otherwise unnecessary, or if the Receiving Party asserts that, following production, certain ESI is not reasonably useable, the parties shall meet and confer to discuss resolving such assertions. The parties will exchange sufficient information to enable the parties to confer in good faith. If the parties cannot resolve any such disputes after such a meet and confer has taken place, the issue shall be presented to the Court for resolution.

7. KNOWN RESPONSIVE DOCUMENTS

Documents or ESI identified in a custodial or non-custodial file, or in a discrete folder or collection, that are known to a Producing Party through reasonable investigation to be responsive to a discovery request shall be collected for review without regard to whether the responsive content was located via any search methodology developed in accordance with this Order, and nothing about such review shall prevent the Producing Party from redacting or withholding and logging such documents for applicable privileges.

8. SEARCH METHODOLOGIES

The Parties shall adopt reasonable and proportionate methodologies to identify, search, collect, cull, review, and produce ESI as required under applicable legal standards. The Parties recognize and agree that each Party may use one or more methodologies to identify, search, collect, cull, review, and produce responsive and non-privileged ESI, including the use of keyword search terms and/or the use of technology assisted review ("TAR") as discussed further herein. The Parties further recognize that different data sets may implicate different methodologies to identify, search, collect, cull, review, and produce responsive and non-

privileged ESI. The Parties therefore agree to meet and confer in good faith regarding any potential disputes over their respective ESI productions.

9. HIT REPORTS AND SEARCH TERMS

If a Producing Party uses search terms to identify, search, or cull potentially responsive ESI, the Producing Party shall disclose the search terms to the Requesting Party. The Parties shall meet and confer regarding any disputes over the disclosed search terms. In the event that a Producing Party claims burden with respect to modified and/or additional search terms proposed by a Requesting Party, the Producing Party shall provide a hit report for the terms at issue using industry-standard processing tools, such as NUIX or other similar tools. The Producing Party shall provide a hit report for the document collection where the terms were applied, including the following with respect to each proposed or modified search term in the collection:

- a) The number of documents with hits for that term; and
- b) The number of unique documents, i.e., documents which do not have hits for any other term.

If, after reviewing a hit report from a Producing Party, a Requesting Party so chooses, it may reasonably request a further hit report which includes:

- c) The number of family members, including the documents with hits, of the documents with hits for that term; and
- d) The number of unique family members of the documents with hits for that term.

If the ESI tool for the Producing Party is capable without undue burden of providing the number of family members and unique family members, then the Producing Party shall provide such further hit report. The Parties (including the person most knowledgeable about the capabilities of the Producing Party's ESI tool and the Requesting Party's person most knowledgeable about technical issues from its ESI service provider) shall meet and confer regarding any disputes over whether the Producing Party's ESI tool has the capability or not to provider either number of family members or number of unique family members.

The Parties shall meet and confer to resolve disagreements over the search terms or their application. To the extent the Parties are unable to reach agreement on the application of, or

procedures for, any search or filtering processes, the Parties shall fully comply with the provisions of this Court's Discovery Standing Order regarding the procedure for raising discovery disputes with the Court, including the meet and confer and certification requirements therein.

10. TECHNOLOGY ASSISTED REVIEW (TAR)

A Producing Party may use TAR (technology-assisted review) during the culling and review process of ESI, which may be applied in addition to search terms. If a Producing Party uses TAR to cull, filter out, or exclude documents from that Party's production, that Producing Party shall do the following:

- If a Producing Party chooses to apply both search terms and TAR to a review set, the Producing Party will disclose the search terms to all other Party/Parties.
- Disclose the name of the TAR tool or service used to all other Party/Parties.

11. VALIDATION

Each Producing Party shall take reasonable steps to validate its review process (i.e., using quality control measures to determine whether its production is missing relevant ESI or contains substantial amounts of irrelevant ESI) and make any necessary adjustments or corrections to its process. If, after reviewing a Producing Party's production, a Requesting Party reasonably requests additional information regarding the validation method(s) used by the Producing Party, the Producing Party will disclose the level of end-to-end recall (the percentage of responsive Documents in the collection which were identified as responsive by that Producing Party's methodology). If there remain disputes between the Parties regarding validation, the Parties shall meet and confer to resolve such disputes in good faith, including a reasonable discussion regarding the tool used and the parameters used to obtain or calculate the level of recall.

12. UNSEARCHABLE DOCUMENTS

The Producing Party shall use reasonable efforts to identify and review potentially responsive documents for which text-based search technologies are fundamentally ineffective.

13. SYSTEM FILES

Each Party will use its best efforts to filter out common system files and application executable files using the national software reference library ("NSRL") NIST hash set list. The

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Parties also may filter out stand-alone files identified as zero bytes in size. Additional culling of file types based on file header information may be applied to the following, provided these files are not known to be otherwise attached, embedded in, or included with an otherwise responsive document, or are not themselves reasonably known to contain information responsive or contain responsive data or are used to interface with users or interact with or access individual or aggregated user data: Application Package File, Backup Files, Batch Files, Binary Disc Image, C++ File Formats, Cascading Style Sheet, Configuration File, Database File, Dictionary Files, Dynamic Link Library, Event Log Files, Executable Files, Hypertext Cascading Stylesheet, Java Archive Files, JavaScript Files, JavaScript Source Code and Class Files, Macintosh Resource Fork Files, Package Manager Files, Program Files, Program Installers, Python Script Files, Shell Script Files, System or Temporary Files, Thumbnail Cache Files, Troff Files, Truetype Font Files, Windows Cabinet File, Windows Command Files, Windows File Shortcut, Windows Help Files, Windows Metafiles and Enhanced Metafiles, Windows Spool Files, Windows System File.

14. DEDUPLICATION

Each Producing Party shall make reasonable efforts to globally deduplicate exact duplicate Documents within that Producing Party's ESI data set across all custodial and non-custodial sources at the family level using either MD5 hash values or SHA hash values or any other agreed-upon (and disclosed) industry-standard deduplication technology. The Parties shall reach agreement on such other deduplication technology and shall reach agreement on how their deduplication tools shall identify exact duplicates of documents in a manner that is consistent with the disclosed tools and technologies a Producing Party is using. The Parties shall reach agreement on how to identify exact duplicates of emails using industry-standard commercially available software tools or services, which may for example calculate hash values of emails based on concatenated values of agreed-upon email fields and/or hash values of attachments, or which may use any other method the Parties agree upon. Having further met and conferred in keeping with the previous sentence, the Parties shall calculate deduplication hash values for emails on the concatenated values set forth in and in accordance with the documentation specifications of the disclosed deduplication tools to be used in this Litigation (i.e., RelativityOne, Relativity Server,

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and Nuix); however, if Nuix is used, the Producing Party shall select the optional field "Include Bcc" as an additional field to add to the default ones.

The Parties shall not withhold from production near-duplicates without meeting and conferring on this issue.

The names of all custodians who were either identified as custodians for purposes of collection for this matter (or otherwise known by the Producing Party to have been in possession or custody of a document prior to deduplication) will be populated in the ALL CUSTODIANS metadata field for the produced version of a document that has duplicates removed from production. The original file paths (if any exist) of a document prior to deduplication will be populated in the ALL FILE PATHS metadata field of the produced document.

15. **EMAIL THREADING**

The Parties may use analytics technology to identify email threads and shall produce the unique most inclusive copy and related family members. Where multiple email messages are part of a single chain or "thread," a Party is only required to produce the most inclusive copy of an email message(s) ("Last In Time Email(s)") and need not produce earlier, lesser inclusive email messages or "thread members," provided that the tool or software service being used to perform threading is disclosed. A Producing Party may exclude from production lesser inclusive copies of the most inclusive email message in the thread, where the entire body of each of those lesser inclusive copies is included within the Last in Time Email. The Producing Party will honor reasonable requests to produce lesser inclusive copies of a Last In Time Email or other earlier chains of emails otherwise excluded by email thread suppression.

The Parties shall treat new or different email chains or threads pursuant to further agreement on safeguards or guidelines for defining emails threads which reasonably take into account the capabilities of the email threading/dethreading/hyperthreading tools used by each Defendant (which shall be disclosed to Plaintiffs).

SOURCE CODE 16.

The Parties will meet and confer to address the production and/or inspection of source code and entering into a separate order governing the same if needed.

17. PRODUCTION FORMATS

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The Parties agree to produce documents and data in the formats described in **Appendix 1** to this ESI Order. If particular documents or categories of documents identified in response to document requests warrant a different format, the Parties will cooperate to arrange for the mutually acceptable production of such documents. The Parties further agree not to degrade the searchability of documents as part of the document production process.

In addition, the Parties agree that the production and production format of social media and/or user account information is not covered by this agreement and to meet and confer on the production and production format, including metadata, for social media and/or user account information.

18. PHASING

Once the Parties begin propounding discovery requests pursuant to Fed. R. Civ. P. 34, the Parties agree to meet and confer regarding appropriate phasing for the production of ESI.

19. MISCELLANEOUS PROVISIONS

- a) Production of Plaintiffs ESI and Case-Specific Materials. Subject to any further agreement among the Parties or Order of the Court, the Parties shall produce case-specific documents (i.e., documents specific to the claim of a given Plaintiff, produced by Plaintiffs or Defendants) for any Plaintiff in discovery pools or other selections designed to inform bellwether selection, including those selected for a bellwether trial, in accordance with the production format specified herein, provided, however, that the Producing Party may elect to produce such materials in their native format. To the extent production of case-specific documents for any Plaintiff selected for a bellwether trial presents an issue for any Party, the Parties shall reasonably confer, and may present any disputes to the Court or its designee. The Parties shall further agree to confer concerning the production format and associated matters (e.g., hosting platform) for case-specific documents produced in the cases of other Plaintiffs.

 Nothing herein shall limit Defendant's right to seek discovery from any Plaintiff.
- b) Translations Of Produced Materials. The Producing Party has no obligation to

create a translation of the Documents or any portion thereof. For any foreign-language documents responsive to document requests that a Party reasonably knows as the result of a reasonable investigation have been translated into the English language using human translators or through machine translation for its own purposes, except to the extent such translation is protected by attorney-client or work-product privileges, the Producing Party shall produce the translation of the original document with the original. The parties will meet and confer as necessary concerning procedures for using translations at depositions and at trial. In the event the Parties cannot reach agreement, the matter may be submitted to the Court for determination.

- c) Third-Party Documents. A Party that issues a Non-Party subpoena ("Issuing Party") shall include a copy of this Order with the subpoena and state that (1) the subpoenaed Non-Party should produce Documents in response to the subpoena to all Parties; and (2) the Parties to this Litigation have requested that Third Parties produce Documents in accordance with the specifications set forth herein. If the subpoenaed Non-Party produces Documents to the Issuing Party but does not produce those Documents to other Parties, the Issuing Party shall produce such Documents to those other Parties within 14 days of receiving the Documents, except where the Documents are to be used in a deposition, in which case the Issuing Party shall produce such Documents to all other Parties no later than three (3) days prior to the deposition, or as soon as reasonably practicable if such production occurs thereafter. Nothing in this Order is intended or may be interpreted to narrow, expand, or otherwise affect the rights of the Parties or Third Parties to object to a subpoena. If the Non-Party production is not Bates-stamped, the Parties will meet and confer to agree upon a format for designating the documents with a unique Bates Number prefix.
- d) <u>Documents Produced by Parties Presumption of Authenticity</u>. In order to reduce the number of requests for admission, this Order establishes a rebuttable presumption that documents produced by the Parties are authentic, if said documents were either created or authored by the producing Party, or any of its employees, agents, or

contractors, so long as the employees', agents', or contractors' work was performed in connection with a project or assignment sponsored by the producing Party. No further evidence to establish authenticity need be provided. Nothing in this paragraph shall be deemed to waive any other evidentiary objection a party may have, including but not limited to hearsay, foundation/personal knowledge, or relevance.

- e) **Re-productions.** Notwithstanding any provisions to the contrary, re-production of discrete sets of documents from another litigation, arbitration, government inquiry, or other matter may be re-produced in the same manner and form as originally produced in the other matter, provided however that a party will re-produce documents in a different format for good cause shown. This provision does not waive the right of a party to object to any requests for reproduction of production files from another litigation, arbitration, government inquiry, or other matter.
- f) Modification. This ESI Order may be modified by a Stipulated Order of the Parties or by the Court for good cause shown.
- g) Good Faith. The Parties will act in good faith as required by law and use these procedures to identify and reduce the potential for disputes.
- h) **Continuing Obligations**. The Parties recognize that discovery shall be an iterative and cooperative process. The Parties will continue to meet and confer regarding any issues as reasonably necessary and appropriate. This Order does not address or resolve any objections to the Parties' respective discovery requests.
- i) **Reservation of Rights**. The Parties agree that any topic not addressed herein is neither a waiver nor acknowledgement of agreement by either Party.
- **IT IS SO STIPULATED**, through Counsel of Record.

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1 DATED: March 15, 2024 Respectfully submitted, 2 /s/ Lexi J. Hazam LEXI J. HAZAM 3 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP 4 275 BATTERY STREET, 29TH FLOOR SAN FRANCISCO, CA 94111-3339 5 Telephone: 415-956-1000 lhazam@lchb.com 6 7 PREVIN WARREN 8 MOTLEY RICE LLC 401 9th Street NW Suite 630 9 Washington DC 20004 T: 202-386-9610 10 pwarren@motleyrice.com 11 Co-Lead Counsel 12 CHRISTOPHER A. SEEGER 13 SEEGER WEISS, LLP 55 CHALLENGER ROAD, 6TH FLOOR 14 RIDGEFIELD PARK, NJ 07660 15 Telephone: 973-639-9100 Facsimile: 973-679-8656 16 cseeger@seegerweiss.com 17 Counsel to Co-Lead Counsel 18 JENNIE LEE ANDERSON 19 ANDRUS ANDERSON, LLP 155 MONTGOMERY STREET, SUITE 900 20 SAN FRANCISCO, CA 94104 Telephone: 415-986-1400 21 jennie@andrusanderson.com 22 Liaison Counsel 23 MATTHEW BERGMAN 24 GLENN DRAPER SOCIAL MEDIA VICTIMS LAW CENTER 25 821 SECOND AVENUE, SUITE 2100 26 SEATTLE, WA 98104 Telephone: 206-741-4862 27 matt@socialmediavictims.org glenn@socialmediavictims.org 28

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1	JAMES J. BILSBORROW
	WEITZ & LUXENBERG, PC
2	700 BROADWAY NEW YORK, NY 10003
3	Telephone: 212-558-5500
4	Facsimile: 212-344-5461 jbilsborrow@weitzlux.com
5	PAIGE BOLDT
6	WATTS GUERRA LLP
7	4 Dominion Drive, Bldg. 3, Suite 100 San Antonio, TX 78257
	T: 210-448-0500
8	PBoldt@WattsGuerra.com
9	THOMAS P. CARTMELL
10	WAGSTAFF & CARTMELL LLP 4740 Grand Avenue, Suite 300
11	Kansas City, MO 64112
12	T: 816-701 1100 tcartmell@wcllp.com
13	JAYNE CONROY SIMMONS HANLY CONROY, LLC
14	112 MADISON AVE, 7TH FLOOR
15	NEW YORK, NY 10016 Telephone: 917-882-5522
16	jconroy@simmonsfirm.com
17	CARRIE GOLDBERG
	C.A. GOLDBERG, PLLC 16 Court St.
18	Brooklyn, NY 11241
19	T: (646) 666-8908 carrie@cagoldberglaw.com
20	
21	SIN-TING MARY LIU AYLSTOCK WITKIN KREIS &
22	OVERHOLTZ, PLLC
23	17 EAST MAIN STREET, SUITE 200 PENSACOLA, FL 32502
	Telephone: 510-698-9566
24	mliu@awkolaw.com
25	ANDRE MURA
26	GIBBS LAW GROUP, LLP 1111 BROADWAY, SUITE 2100
27	OAKLAND, CA 94607
28	Telephone: 510-350-9717
20	amm@classlawgroup.com

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2	
3	EMMIE PAULOS LEVIN PAPANTONIO RAFFERTY
4	316 SOUTH BAYLEN STREET, SUITE 600
5	PENSACOLA, FL 32502
	Telephone: 850-435-7107 epaulos@levinlaw.com
6	ROLAND TELLIS
7	DAVID FERNANDES
8	BARON & BUDD, P.C.
9	15910 Ventura Boulevard, Suite 1600
9	Encino, CA 91436 Telephone: (818) 839-2333
10	Facsimile: (818) 986-9698
11	rtellis@baronbudd.com
	dfernandes@baronbudd.com
12	ALEXANDRA WALSH
13	WALSH LAW
1.4	1050 Connecticut Ave, NW, Suite 500
14	Washington D.C. 20036
15	T: 202-780-3014
16	awalsh@alexwalshlaw.com
	MICHAEL M. WEINKOWITZ
17	LEVIN SEDRAN & BERMAN, LLP
18	510 WALNUT STREET SUITE 500
19	PHILADELPHIA, PA 19106
1)	Telephone: 215-592-1500
20	mweinkowitz@lfsbalw.com
21	DIANDRA "FU" DEBROSSE ZIMMERMANN
22	DICELLO LEVITT 505 20th St North
23	Suite 1500
	Birmingham, Alabama 35203
24	Telephone: 205.855.5700 fu@dicellolevitt.com
25	
26	
27	
28	

Ī	Caase44222enn650131034747163RD0000000ennen1116699 Filed 03/28/24 Page 43 of 389
1	HILLARY NAPPI HACH & ROSE LLP
2	112 Madison Avenue, 10th Floor
3	New York, New York 10016
	Tel: 212.213.8311
4	hnappi@hrsclaw.com
5	JAMES MARSH
6	MARSH LAW FIRM PLLC
7	31 HUDSON YARDS, 11TH FLOOR NEW YORK, NY 10001-2170
7	Telephone: 212-372-3030
8	jamesmarsh@marshlaw.com
9	Attorneys for Individual Plaintiffs
10	ROB BONTA
11	Attorney General
	State of California
12	_/s/ Megan O'Neill
13	Nick A. Akers (CA SBN 211222)
14	Senior Assistant Attorney General Bernard Eskandari (SBN 244395)
15	Supervising Deputy Attorney General
13	Megan O'Neill (CA SBN 343535)
16	Joshua Olszewski-Jubelirer
17	(CA SBN 336428) Marissa Roy (CA SBN 318773)
18	Deputy Attorneys General
10	California Department of Justice
19	Office of the Attorney General 455 Golden Gate Ave., Suite 11000
20	San Francisco, CA 94102-7004
	Phone: (415) 510-4400
21	Fax: (415) 703-5480
22	Bernard.Eskandari@doj.ca.gov
23	Attorneys for Plaintiff the People of the State of California
24	Cuigornia
25	
26	
27	
28	

ĺ	Caaee44222em6543434743168RD600000000000000000000000000000000000
1	
1	RUSSELL COLEMAN
2	Attorney General
3	Commonwealth of Kentucky
4	/s/ J. Christian Lewis
5	J. Christian Lewis (KY Bar No. 87109), Pro hac vice
6	Philip Heleringer (KY Bar No. 96748),
6	Pro hac vice
7	Zachary Richards (KY Bar No. 99209), Pro hac vice app. forthcoming
8	Daniel I. Keiser (KY Bar No. 100264),
	Pro hac vice
9	Matthew Cocanougher (KY Bar No. 94292),
10	Pro hac vice
11	Assistant Attorneys General 1024 Capital Center Drive, Suite 200
11	Frankfort, KY 40601
12	CHRISTIAN.LEWIS@KY.GOV
13	PHILIP.HELERINGER@KY.GOV ZACH.RICHARDS@KY.GOV
	DANIEL.KEISER@KY.GOV
14	MATTHEW.COCANOUGHER@KY.GOV
15	Phone: (502) 696-5300
16	Fax: (502) 564-2698
17	Attorneys for Plaintiff the Commonwealth of Kentucky
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
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ı	Caase44222cm6504303474763RD000covermen1116699 Filed 03/28/24 Page 45 of 389
1	COVINGTON & BURLING LLP
2	By: /s/ Ashley M. Simonsen
3	Ashley M. Simonsen, SBN 275203
4	COVINGTON & BURLING LLP 1999 Avenue of the Stars
	Los Angeles, CA 90067
5	Telephone: (424) 332-4800
6	Facsimile: + 1 (424) 332-4749 Email: asimonsen@cov.com
7	
8	Phyllis A. Jones, <i>pro hac vice</i> Paul W. Schmidt, <i>pro hac vice</i>
	COVINGTON & BURLING LLP
9	One City Center
10	850 Tenth Street, NW Washington, DC 20001-4956
11	Telephone: +1 (202) 662-6000
	Facsimile: + 1 (202) 662-6291
12	Email: pajones@cov.com
13	Attorney for Defendants Meta Platforms, Inc.
14	f/k/a Facebook, Inc.; Facebook Holdings,
15	LLC; Facebook Operations, LLC; Facebook Payments, Inc.; Facebook Technologies, LLC;
15	Instagram, LLC; Siculus, Inc.; and Mark Elliot
16	Zuckerberg
17	FAEGRE DRINKER LLP
18	By: /s/ Andrea Roberts Pierson
	Andrea Roberts Pierson, pro hac vice FAEGRE DRINKER LLP
19	300 N. Meridian Street, Suite 2500
20	Indianapolis, IN 46204
21	Telephone: + 1 (317) 237-0300 Facsimile: + 1 (317) 237-1000
22	Email: andrea.pierson@faegredrinker.com
	Amy P. Fitaman ma haa yiga
23	Amy R. Fiterman, pro hac vice FAEGRE DRINKER LLP
24	2200 Wells Fargo Center
25	90 South Seventh Street
	Minneapolis MN 55402 Telephone: +1 (612) 766 7768
26	Facsimile: + 1 (612) 766 1600
27	Email: amy.fiterman@faegredrinker.com
28	Geoffrey M. Drake, pro hac vice

ĺ	Caase44222cm659131894743163RD 00000000ement1116698 Filed 03/28/24 Page 416 of 389
1	Which a abit bhich is
1	KING & SPALDING LLP 1180 Peachtree Street, NE, Suite 1600
2	Atlanta, GA 30309
3	Telephone: +1 (404) 572 4726 Email: gdrake@kslaw.com
4	Eman. gurake@ksiaw.com
5	David P. Mattern, pro hac vice KING & SPALDING LLP
	1700 Pennsylvania Avenue, NW, Suite 900
6	Washington, D.C. 20006
7	Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com
8	
9	Attorneys for Defendants TikTok Inc. and ByteDance Inc.
10	ByteBance Inc.
	MUNGER, TOLLES & OLSEN LLP
11	<u>By: /s/ Jonathan H. Blavin</u> Jonathan H. Blavin, SBN 230269
12	MUNGER, TOLLES & OLSON LLP
12	560 Mission Street, 27th Floor
13	San Francisco, CA 94105-3089
14	Telephone: (415) 512-4000 Facsimile: (415) 512-4077
15	Email: jonathan.blavin@mto.com
16	Rose L. Ehler (SBN 29652)
10	Victoria A. Degtyareva (SBN 284199)
17	Laura M. Lopez, (SBN 313450)
18	Ariel T. Teshuva (SBN 324238)
	MUNGER, TOLLES & OLSON LLP
19	350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426
20	Telephone: (213) 683-9100
2.1	Facsimile: (213) 687-3702
21	Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com
22	Email: Victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com
23	
24	Lauren A. Bell (<i>pro hac vice forthcoming</i>) MUNGER, TOLLES & OLSON LLP
	601 Massachusetts Ave., NW St.,
25	Suite 500 E Weshington, D.C. 20001, 5260
26	Washington, D.C. 20001-5369 Telephone: (202) 220-1100
27	Facsimile: (202) 220-2300
28	Email: lauren.bell@mto.com
20	<u>l</u>

l	Caaee44222e1796593684743168RD 00000000ement/1116698 Filed 03/28/24 Page 48 of 369
1	Attorneys for Defendant Snap Inc.
2	WILSON SONSINI GOODRICH & ROSATI
3	Professional Corporation
4	<u>By: /s/ Brian M. Willen</u> Brian M. Willen (<i>pro hac vice</i>)
	WILSON SONSINI GOODRICH & ROSATI
5	1301 Avenue of the Americas, 40th Floor
6	New York, New York 10019 Telephone: (212) 999-5800
7	Facsimile: (212) 999-5899
	Email: bwillen@wsgr.com
8	Lauren Gallo White
9	Samantha A. Machock
10	WILSON SONSINI GOODRICH & ROSATI One Market Plaza, Spear Tower, Suite 3300
11	San Francisco, CA 94105
	Telephone: (415) 947-2000
12	Facsimile: (415) 947-2099 Email: lwhite@wsgr.com
13	Email: smachock@wsgr.com
14	Christopher Chiou
15	WILSON SONSINI GOODRICH & ROSATI
	953 East Third Street, Suite 100
16	Los Angeles, CA 90013 Telephone: (323) 210-2900
17	Facsimile: (866) 974-7329
18	Email: cchiou@wsgr.com
19	Attorneys for Defendants YouTube, LLC, Google
	LLC, and Alphabet Inc.
20	WILLIAMS & CONNOLLY LLP
21	By: /s/ Joseph G. Petrosinelli
22	Joseph G. Petrosinelli (pro hac vice)
23	jpetrosinelli@wc.com Ashley W. Hardin (<i>pro hac vice</i>)
	ahardin@wc.com
24	680 Maine Avenue, SW Washington, DC 20024
25	Telephone.: 202-434-5000
26	Fax: 202-434-5029
27	Attorneys for Defendants YouTube, LLC, Google
	LLC, and Alphabet Inc.
28	

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1	M	IORGAN, LEWIS & BOCKIUS LLP
2		y: <u>/s/ Stephanie Schuster</u> tephanie Schuster (<i>pro hac vice</i>)
3	st	ephanie.schuster@morganlewis.com
4	N	111 Pennsylvania Avenue NW W Washington, DC 20004-2541
5	T	el.: 202.373.6595
6		ardena R. Zwang-Weissman (SBN 247111) ardena.zwang-weissman@morganlewis.com
7	30	00 South Grand Avenue, 22nd Floor os Angeles, CA 90071-3132
8		el.: 213.612.7238
9		rian Ercole (pro hac vice)
10		rian.ercole@morganlewis.com 00 Brickell Avenue, Suite 1600
11		fiami, FL 33131-3075 el.: 305.415.3416
12		ttorneys for Defendants YouTube, LLC and
13		coogle LLC
14	IT IS ORDERED that the foregoing Agre	eement is approved.
15		DO 11/1
16	Dated: March 18, 2024	State. Kang
17	MAG	GISTRATE JUDGE PETER H. KANG
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APPENDIX 1: PRODUCTION FORMAT

- 1) **Production Components.** Except as otherwise provided below, ESI must be produced in accordance with the following specifications:
 - a) an ASCII delimited data file (.DAT) using standard delimiters;
 - b) an image load file (.OPT) that can be loaded into commercially acceptable production software (e.g. Concordance);
 - c) single page black-and-white TIFF images, or JPEG images when color is specified herein, or native files with single page placeholder TIFF images depending on the applicable production format for each type of file;
 - d) and document level .TXT files for all documents containing extracted full text or OCR text.
 - e) Family relationships between emails and their attachments, embedded files and their source document, and connected hardcopy documents will be maintained in production. Attachments should be consecutively produced with their parent.
 - f) If a particular document warrants a different production format, the Parties will cooperate in good faith to arrange for a mutually acceptable production format.
- 2) Production Media and Access Controls. Productions must be encrypted and produced through secure electronic means, such as secure file sharing methods (e.g. FTP), or on CD, DVD, flash drive or external hard drive ("Production Media"). Each piece of Production Media must identify a production number corresponding to the production volume (e.g. "VOL001"). Each piece of Production Media must also identify: (a) the case caption; (b) the following label: "This media contains material subject to Court Ordered security measures"; (c) the Producing Party's name; (d) the production date; (e) the Bates Number range of the materials contained on the Production Media.

Nothing in this ESI Order will preclude or impair any and all protections provided the Parties by any Protective Order(s) agreed and entered into by the Parties. Parties will use best efforts to avoid the unnecessary copying or transmittal of produced documents. If questions arise, the Parties will meet and confer to ensure security concerns are addressed prior to the exchange of

any documents.

- aproduction sets. The Bates Numbers in the image load file must match the corresponding documents in the image load file should match the image load file must match the corresponding of the production. The total number of pages referenced in a production's image load file should match the total number of pages referenced in a production's image load file should match the total number of TIFF files in the production. All images must be assigned a unique Bates number that is sequential within a given document and across the production sets. The Bates Numbers in the image load file must match the corresponding documents' beginning Bates numbers in the data load file. The total number of documents in a production should match the total number of records in the data load file. Load files must not vary in format or structure within a production, or from one production to another except by agreement of the Parties.
- 4) Metadata Fields. Each of the metadata and coding fields set forth below that can be extracted should be produced for each document, except that if the field contains privileged information, that privileged information may be redacted. However, to the extent that metadata does not exist, is not available for any documents produced, this provision shall not be read to require any Party to extract, capture, collect, manually populate, or produce such metadata, with the exception of the following: (a) BEGBATES, (b) ENDBATES, (c) BEGATTACH, (d) ENDATTACH, (e) PRODVOL, (f) ALL CUSTODIANS, (g) CONFIDENTIALITY, (h) REDACTIONS, (i) REDACTION TYPE, (j) HASHVALUE, (k) NATIVEFILEPATH, and (l) TEXTFILEPATH, which should be populated by the Party or the Party's vendor. The Parties will make reasonable efforts to ensure that metadata fields automatically extracted from the documents correspond directly to the information that exists in the original documents.

Field Name	Field Description
BEGBATES	Beginning Bates number for a particular document as stamped on the first production image for that document
ENDBATES	Ending Bates number as stamped on the last

Field Name	Field Description
	production image for a particular document
BEGATTACH	First production Bates number of the first document in a family
ENDATTACH	Last production Bates number of the last document in a family
ATTACHCOUNT	Number of attachments to an e-mail or embedded parent, as generated by commercially available discovery processing tools.
ATTACHNAMES	Names of each individual Attachment, separated by semicolons.
PRODVOL	Production volume
ALLCUSTODIANS	List of all custodians associated with Document, i.e. "Custodian" + "Other Custodian" values delimited by semicolon.
ALLFILEPATHS	All original path(s) to the individual source file(s) when available in the ordinary course of business to and processable by the parties and their ESI vendors of choice. Includes path up to and including internal path of containers.
CONFIDENTIALITY	Confidentiality designation assigned to the document consistent with the Stipulated Protective Order governing this Litigation
NATIVEFILEPATH	Native File Link (Native Files only)
TEXTFILEPATH	Path to extracted text/OCR file for the document
HASHVALUE	MD5 hash value of the document
DOCUMENT TYPE	Descriptor for the type of document: "Edocument" for electronic documents not attached to e-mails; "E-mail" for all e-mails; "E-attachment" for files that were attachments to e-mails; and "Physical" for hard copy physical documents that have been scanned and converted to an electronic image.
AUTHOR	Any value populated in the Author field of the

Field Name	Field Description
	document properties
DOCDATE	Date the document was created according to filesystem information (format: MM/DD/YYYY)
DATELASTMODIFIED	Date when document was last modified according to filesystem information (forma MM/DD/YYYY)
LAST MODIFIED BY	Last person who modified (saved) a document, as generated by commercially available discovery processing tools.
TRACK CHANGES	Y if a document with track changes value, otherwise N or empty, if available separate from the HASHIDDENDATA flag
COMMENTS	Y if a document with comments, otherwise or empty, if available separately from the HASHIDDENDATA flag
HASHIDDENDATA	Y if a document with hidden content value otherwise N or empty
FILENAME	Filename of an electronic document
TITLE	Any value populated in the Title field of th document properties
DOCEXT	File extension of document pulled from the document properties
FROM	The sender of the email
ТО	All recipients that were included on the "T line of the email
CC	All recipients that were included on the "C line of the email
BCC	All recipients that were included on the "BCC" line of the email
DATETIMERECEIVED	Date and time email was received (format: MM/DD/YYYY HH:MM)
DATETIMESENT	Date and time email was sent (format: MM/DD/YYYY HH:MM)

Field Name	Field Description
TIMEZONE	The timezone used to process the document
EMAILSUBJECT	Subject line of email pulled from the document properties
THREADID	If a threading tool is used for emails, the thread id generated by the threading tool.
REDACTION TYPE ¹	General category of redaction reason as agreed to by the parties. For example, PII, SCA, CODE, and/or PRIV. If more than one, separate reasons by semicolons.
REDACTIONS	Y if a document is redacted, otherwise N or empty

- 5) TIFFs. Unless excepted below, single page, black and white, Group IV TIFFs should be provided, at least 300 dots per inch (dpi) for all documents. Each TIFF image must be named according to a unique corresponding Bates number associated with the document. Each image must be branded according to the Bates number and the agreed upon confidentiality designation. Original document orientation should be maintained (i.e., portrait to portrait and landscape to landscape). Where the TIFF image is unreadable or has materially degraded the quality of the original, the Producing Party shall provide a higher quality TIFF image or the native or original file. In addition, the Parties shall take reasonable efforts to process word processing documents (e.g., MS Word) with track changes and/or comments unhidden on the TIFF image.
- 6) Color. Word processing documents containing tracked changes shall be produced in color, as single-page, 300 dpi JPG images with JPG compression and a high quality setting as to not degrade the original image. The Producing Party shall comply with good faith by the Requesting Party to provide replacement color images for documents originally produced in black and white. A Party making such a request shall make the request by individual Bates

¹ The Parties will provide specific information on any privilege(s) asserted in their privilege logs, in an overlay, or the redaction boxes. The "Redaction Reason" field is informational only for redaction type and shall not in any way limit a party's right to assert attorney-client privilege, attorney-work product privilege, and/or any other applicable privilege or protection.

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number(s) and shall limit requests made pursuant to this paragraph to a reasonable number of documents.

- **7**) **Text Files.** A single multi-page text file must be provided for each document, and the filename should match its respective TIFF filename for the first page of that document. Extracted text shall be generated with commercially acceptable technology set to include all comments, revisions, tracked changes, speaker's notes and text from documents with comments or tracked changes, and hidden and very hidden worksheets, slides, columns and rows. When possible, the text of native files should be extracted directly from the native file. Parties will perform optical character recognition ("OCR") on foreign language documents using the appropriate settings for languages reasonably anticipated to be in the production following a meet and confer with the Requesting Party to identify those languages. Text files will not contain the redacted portions of the documents. A commercially acceptable technology for OCR should be used for all scanned, hard copy documents and for documents with redactions other than Excel files and other spreadsheets which shall be redacted in native format. Text extracted from emails should include the following header information where available: (1) the individuals to whom the communication was directed ("To"), (2) the author of the email communication ("From"), (3) who was copied and blind copied on such email ("CC" and "BCC"), (4) the subject line of the email ("RE" or "Subject"), and (5) the date and time of the email. To the extent the text extraction technology the Parties are using can be configured to include the text of any URLs or links, the Parties shall utilize that setting.
- Native files. Spreadsheets (*e.g.* MS Excel), and un-redacted presentations (e.g. Microsoft PowerPoint,) will be produced in native format to the extent that they are produced in this Litigation, audio, video, and multi-media files will be produced in native format. The Parties will meet and confer on the production of other file types, such as proprietary files, etc. Native files will be produced with a link in the NATIVEFILEPATH field, along with extracted text (where extracted text is available) and applicable metadata fields set forth in paragraph 4 above. A Bates numbered TIFF placeholder indicating that the document was provided in native format must accompany every native file. Where redaction makes production of native-format

files other than spreadsheets or presentations infeasible, the Parties will confer to determine a reasonably usable form for the production, but spreadsheets shall presumptively be redacted in native, and presentations presumptively redacted in image form, in these cases without the need for further conferring.

- hardcopy will be scanned to *.tiff image format and produced in accordance with the specifications set forth herein. Hard copy documents that are not text-searchable shall be made searchable by OCR prior to production. In scanning paper documents, distinct documents should not be merged into a single record, and single documents should not be split into multiple records (i.e., paper documents should be logically unitized). In the case of an organized compilation of separate documents (for example, a binder containing several separate documents behind numbered tabs), the document behind each tab should be scanned separately, but the relationship among the documents in the compilation should be reflected in the proper coding of the beginning and ending document and attachment fields. The Parties will make their best efforts to unitize the documents correctly. If relevant documents are maintained in a file, folder, envelope, binder, notebook or similar container used to store documents, all contents therein shall be reviewed for production and privilege. Document pages which have affixed notes, such as Post-it notes, should be imaged with and without the note attached.
- 10) Confidentiality Designation. All images will be stamped with the appropriate confidentiality designations in accordance with the Stipulated Protective Order entered in this Litigation. Each document produced in native format will have its confidentiality designation identified in the filename of the native file and indicated on its corresponding TIFF placeholder.
- 11) Bates Numbering. Bates numbering should be a consistent length across the production, contain no special characters, and be numerically sequential within a given document. If a Bates number or set of Bates numbers is skipped, the skipped number or set of numbers should be noted with a placeholder. Attachments to documents will be assigned Bates numbers that directly follow the Bates numbers on the documents to which they were attached.

In addition, wherever possible, each image will have its assigned Bates number electronically "burned" onto the image.

- information is stored in a database, or database management system, or proprietary system or application which has is directed to data storage as one of its primary functions, the Producing Party will identify the database and platform to the Requesting Party. The Producing Party shall produce exports and reports about such responsive information stored in such database, where such exports and reports shall be in a reasonably usable form, and information may be produced in CSV format, tab-delimited text format, Microsoft Excel format, or Microsoft Access format. If there are future disputes over the production of information from a database, the Parties shall meet and confer in good faith in an attempt to reach any further agreements (if needed) on the data to be produced and the format and scope of the production. The Producing Party will provide reasonable amounts of information about the databases to facilitate that discussion.
- inside a responsive document (including hyperlinked inside emails) within a Producing Party's custody, possession, or control, do not need to be produced in the first instance as part of the same family group as the Document residing at the location to which that hyperlink points. If there are particular hyperlinks identified by the Requesting Party in produced documents, the Requesting Party may submit a list of hyperlinks to a particular Producing Party for potentially relevant documents by identifying the Bates number and URL or link text for each requested link to the Producing Party, and the Producing Party will engage in reasonable efforts to locate the hyperlinked document at that location and either identify it by Bates number or provide any responsive, non-produced, and non-privileged documents. The number of hyperlinks a Requesting Party may identify to a Producing Party shall not be excessive and shall be reasonable, proportional to the needs of the case, and not unduly burdensome.
- **14) Embedded Objects.** The Parties agree non-substantive embedded objects, including, but not limited to, logos, icons, emoticons, and footers, may be culled from a document set (but not a document) and need not be produced as separate documents by a

Producing Party (i.e., such embedded objects will be produced within the document itself, rather than as separate documents). Embedded files, except for images (including but not limited to, logos, icons, emoticons), are to be produced as family groups. Embedded files should be assigned Bates numbers that directly follow the Bates numbers on the documents within which they are embedded.

- **15**) **Production of Family Groups and Relationships**. If any member of a family group is produced, all members of that group must also be produced or else logged as privileged, and no such member shall be withheld from production as a duplicate.
- Dynamic Fields. Documents with dynamic fields for file names, dates, and **16**) times will be imaged to show the field code (e.g., "[FILENAME]") where possible, rather than the values for such fields existing at the time the file is processed.
- **17**) **Time Zone**. The time zone used to process a document, including its metadata, shall be disclosed in the TIMEZONE metadata field consistent with Appendix 1, and shall be standardized for each Defendant across productions.

18) Redactions.

- A Producing Party may redact (i) information subject to the attorney client a) privilege or the work product protection (PRIV); (ii) information that cannot be disclosed pursuant to the Stored Communications Act (SCA); (iii) source code subject to separate agreement applicable to production of source code (CODE); (iv) personal identifying information (PII) including phone numbers, personal addresses, personal email addresses, the month and day of birth, driver's license numbers, and other PII agreed to by the Parties (for example, the Parties shall complete their meet and confer on whether or not to redact users' ages and years of birth). In any event, there shall be no redaction of illnesses, injuries, and medical diagnoses. To the extent a document or pleading contains PII, the Parties shall designate such documents at the appropriate Confidentiality level under the Protective Order and shall comply with Fed. R. Civ. P. 5.2 with regard to filings with the Court.
- No redactions for relevance may be made within a produced document or ESI b) item. If, during the course of discovery, the Parties identify other kinds of information that any STIP. & [Proposed] Order Governing the

Party has a reasonable basis for redacting, the Parties will meet and confer on a case-by-case basis regarding that information before such redactions are made. If the Parties cannot agree, they may seek resolution from the Court.

- c) The Producing Party will indicate, on the face of the redaction, the asserted reason(s) for the redaction (PII, SCA, CODE, and/or PRIV) and the REDACTION TYPE metadata field shall indicate that the document contains redactions and the reason(s) for the redaction.
- d) Notwithstanding the foregoing, this provision shall not be read to prohibit redactions permitted under any applicable U.S. law or Protective Order.
- e) Where a responsive document contains both redacted and non-redacted content, the Parties shall produce the non-redacted portions of the document and the OCR text corresponding to the non-redacted portions.
- f) Native Redactions. Spreadsheet files requiring redaction, including without limitation Microsoft Excel files, shall be redacted and produced natively (unless the Parties agree to production in some other format). In addition, a Producing Party may natively redact other files that cannot be properly imaged for redaction.
- g) All images of redacted files shall be processed to show all comments, revision marks, speaker notes, marks made in track changes, or other user-entered data which are visible in a normal view of the document in its native application, unless such material is redacted and marked as redacted in accordance with this section. Where possible, any occurrences of date/time auto-field items, including in headers and footers, will be removed and replaced with the term AUTODATE to prevent the current date from being printed. Email header information (e.g., date and/or subject line) shall not be redacted unless it is independently privileged. The Parties shall honor reasonable requests for the production of particular redacted documents in other formats where the image is not reasonably usable.
- h) Color. Redacted versions of documents that would have been produced in color in their un-redacted form shall be produced in color as detailed herein.

) **Exception Files**. The Parties will use reasonable efforts to address processing exceptions.

data that can reasonably be extracted and produced in the formats described herein is identified on a mobile or handheld device, that data shall be produced in accordance with the generic provisions of this protocol. To the extent that responsive data identified on a mobile or handheld device is not susceptible to normal production protocols, the Parties will meet and confer to address the identification, production, and production format of any responsive documents and data contained on any mobile or handheld device.

COVINGTON

BEIJING BOSTON BRUSSELS DUBAI FRANKFURT
JOHANNESBURG LONDON LOS ANGELES NEW YORK
PALO ALTO SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP Salesforce Tower 415 Mission Street, Suite 5400 San Francisco, CA 94105-2533 T +1 415 591 6000

DELIVERED VIA PROCESS SERVER

July 17, 2024

California Department of Education 1430 N Street Sacramento, CA 95814

Re: People of the State of California v. Meta Platforms, Inc., 4:23-cv-05448

Dear Sir/Madam:

Enclosed please find a subpoena being served upon you in connection with the above-captioned litigation currently pending in the U.S. District Court for the Northern District of California. I represent Defendants Meta Platforms, Inc.; Instagram, LLC, Meta Payments, Inc., Meta Platforms Technologies, LC and Mark Zuckerberg (collectively, the "Meta Defendants") in this matter.

The document subpoena requests the production of specific documents identified in the attached subpoena (see Attachment A to the subpoena), which are requested to be produced by 10 am on August 19, 2024. We are willing to work with you on the time, date, location, method and manner of document production, as well as answer any questions or concerns you may have regarding subpoena compliance. It is sufficient compliance with this subpoena if you electronically transmit a copy of the requested documents to the undersigned. As such, please contact me at kpatchen@cov.com and 415-591-6031, to discuss document production and subpoena compliance, unless you are already represented by counsel in connection with this matter.

The Court is currently considering whether California Attorney General's Office has control over the California Department of Education's information for the purposes of discovery in this action. If the Court rules that the California Attorney General's Office has control over the California Department of Education's information, California Attorney General has pending discovery requests that seek this agency's documents. By serving this subpoena, Meta does not waive its position in the state agency dispute, nor does Meta in any way waive rights to compel the California Attorney General to produce California Department of Education information as part of discovery in this action. However, to avoid further delay in the production of information from the California Department of Education, Meta is serving the attached subpoena to request the timely production of this information.

Your anticipated time and assistance with this matter is greatly appreciated.

COVINGTON

California Department of Education July 17, 2024 Page 2

Best regards,

/s/ E. Kate Patchen

E. Kate Patchen

Enclosed: Subpoena, Attachment A, and Attachment B

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

United States District Court

for the

Northern District of California			
People of the State of California, et al.			
Plaintiff)			
v.)	Civil Action No. 4:23-cv-05448		
Meta Platforms, Inc., et al.			
SUBPOENA TO PRODUCE DOCUMENTS OR TO PERMIT INSPECTION OF PR			
To: California Department of Education 1430 N Street, Sacramento, CA 95814			
(Name of person to whom the	is subnoena is directed)		
Place: Shook Hardy & Racon Attn: Jonnifor Bluce Konyon	Date and Time:		
Place: Shook, Hardy & Bacon, Attn: Jennifer Blues Kenyon	Date and Time:		
555 Mission Street, Suite 2300 San Francisco, CA 94105	10 a.m. on August 19, 2024		
other property possessed or controlled by you at the time, date, as may inspect, measure, survey, photograph, test, or sample the property Place:	1 01 0		
The following provisions of Fed. R. Civ. P. 45 are attach Rule 45(d), relating to your protection as a person subject to a surrespond to this subpoena and the potential consequences of not d	bpoena; and Rule 45(e) and (g), relating to your duty to		
Date:07/17/2024			
CLERK OF COURT			
	OR		
	/s/ Ashley Simonsen		
Signature of Clerk or Deputy Clerk	Attorney's signature		
The name address a mail address and talanhans number of the	attornay raprogenting (name of most)		
The name, address, e-mail address, and telephone number of the Meta Platforms, Inc. f/k/a Facebook, Inc.; Instagram, LLC, Meta Payments, Inc.	2.,		
Meta Platforms Technologies, LLC; and Mark Zuckerberg,	who issues or requests this subpoena, are: Los Angeles, CA 90067, 424-332-4782, asimonsen@cov.co		

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 4:23-cv-01615

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

(date)	bpoena for (name of individual and title, if a		
☐ I served the s	ubpoena by delivering a copy to the nar	med person as follows:	
		on (date)	or
☐ I returned the	subpoena unexecuted because:		
tendered to the w		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	enalty of perjury that this information i	s true.	
::		Server's signature	
		Printed name and title	
		Server's address	

Additional information regarding attempted service, etc.:

Print Save As... Add Attachment Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

DEFINITIONS AND INSTRUCTIONS TO ATTACHMENT A

DEFINITIONS

- 1. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- 2. "Document" or "documents" shall have the broadest meaning ascribed to it by the Federal Rules of Civil Procedure, and includes, without limitation electronically stored information ("ESI") (including, without limitation, electronic databases and the data therein, all electronic messages or communications, electronic word processing documents, electronically stored voicemail, webpages, and social media posts) in accordance with any order in this case governing ESI at the time of production. Different versions of the same documents, including, but not limited to, drafts or documents with handwritten notations or marks not found in the original or on other copies are different documents.
 - 3. "You", "you", "Your" and "your" means the California Department of Education.
- 4. "Relating" or "related to" means and includes referring to, concerning, referencing, mentioning, associated with, constituting, discussing, containing, embodying, recording, reflecting, identifying, summarizing, incorporating, and/or dealing with or pertaining to in any way.
 - 5. "And" includes "or", and vice versa.
 - 6. The singular form of a word or term includes the plural, and vice versa.
 - 7. The present tense of a verb includes the past tense, and vice versa.
- 8. The use of the article "the" shall not be construed as limiting the scope of any request.
 - 9. "Including" means "including without limitation."

- 10. "Any" includes "all", and vice versa.
- 11. The capitalized version of a word or term includes the lower case version of a word or term, and vice versa.
- 12. "Social Media Platforms" or "Platforms" means a digital service that facilitates interactions between two or more distinct but interdependent sets of users, including but not limited to Facebook, Instagram, Snapchat, TikTok, YouTube, Twitter (or "X"), Pinterest, LinkedIn, BeReal, Lapse, Reddit, Threads, VSCO, Goodreads, Quora, Discord, Twitch, and Tumblr.
- 13. "Young Users" means users of Social Platforms who are under 18 years of age when using the Platform(s).

All words, terms, and phrases not specifically defined herein are to be given their normal and customary meaning in the context in which they are used in these Requests.

INSTRUCTIONS

- 1. These Requests are intended to cover any and all documents in your possession, custody, or control, to the extent not privileged. Documents held by any office, department, board, commission, or instrumentality of the California Department of Education are within your possession, custody, or control.
- 2. In accordance with ESI Protocol attached hereto as Attachment B, if you object to furnishing any of the documents or information requested by these Requests on the grounds of attorney-client privilege, work product, other privilege, or otherwise then, with respect to each such document:
 - a. state the nature of the privilege claimed;
 - b. state the date of each communication supporting the privilege claim;
 - c. identify all participants in the supporting communication;
 - d. state the specific grounds on which the objection is based; and

- e. identify the specific request calling for such information;
- 2. If you object to any Request on the grounds that it is vague or ambiguous, state: (i) the portions or terms of such Request that you claim to be vague or ambiguous; and (ii) the interpretation of the Request pursuant to which you provide a response.
- 3. Each request shall be deemed continuing, so as to require supplemental or mandatory responses should you obtain additional responsive information subsequent to your initial responses.
- 4. If you cannot fully respond to a particular Request after exercising due diligence to make inquiry and to secure the necessary information, provide a response to the extent possible, specifying your inability to respond to the remainder and providing whatever information or knowledge you have concerning the portion not responded to.
- 5. Each page of a produced document shall have a legible, unique page identifier ("Bates Number") and confidentiality legend (where applicable) on the face of the image at a location that does not obliterate, conceal, or interfere with any information from the source document. Redactions should be clearly marked or stamped on the page in such a way that it is clear from review that a portion of the image has been redacted.
- 6. All responsive and non-privileged electronic documents shall be produced in the format ordered by the Court in its ESI order.
- 7. All responsive electronic documents shall be produced in a format agreed upon by the parties, to include at least native versions of Excel spreadsheets and presentation files, with a Bates-stamped placeholder image.
- 8. Unless otherwise specified, the time period for these Requests is January 1, 2012 to the date of production of the Documents.

ATTACHMENT A

- 1. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of persons ages 13 to 18.
- 2. Programs, initiatives, efforts, or actions proposed or taken by the California Department of Education to encourage or promote the use of Social Media Platforms.
- 3. Programs, initiatives, efforts, or actions proposed or taken by the California Department of Education to address Young Users' use of Social Media Platforms, including any program, initiative, effort, or action to prevent, limit, encourage, or promote the use of Social Media Platforms by Young Users.
- 4. Studies, programs, initiatives, efforts, or actions proposed or taken by the California Department of Education that sought to provide or promote internet access or phones, computers, tablets, or other electronic devices to Young Users.
- 5. Policies proposed, recommended, or enacted by the California Department of Education regarding screen time and acceptable use of cell phones, computers, tablets, or other electronic devices by Young Users.
- 6. Complaints to the California Department of Education by teachers regarding social media or cell phone use by Young Users and/or the need for acceptable use or other policies to address Young Users' use of social media or cell phones.
- 7. Complaints to the California Department of Education by teachers or school districts regarding budget crises from inflation, underfunding, unfunded mandates, and other causes.
- 8. Documents related to state assessment in California, including reports and analyses regarding the history of K-12 state assessment or standardized testing scores, performance by schools and/or school districts, and any other measures of school performance.
- 9. California Department of Education's communications and/or collaboration with any Social Media Platform on any program, initiative or other action related to, or directed at, Young Users.
- 10. California Department of Education's communications with any third party related to Young Users and/or Social Media Platforms.
- 11. Policies, procedures, and practices applicable to California Department of Education and California Department of Education employees regarding the use of Social Media Platforms, including any changes to these policies during the Relevant Period.

- 12. Legislation or policies proposed by, proposed on behalf of, or testified on by the California Department of Education, regardless of whether such legislation or policies were enacted, regarding Young Users' use of Social Media Platforms.
- 13. Research, investigations, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms, including the importance of Social Media Platforms and the use of Social Media Platforms by Young Users and the potential benefits and harms created by the use of Social Media Platforms.
- 14. Research, investigations, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms regarding the impact of social media on the mental, social, emotional, or behavioral health of Young Users.
- 15. Research, investigations, studies, surveys, reports, evaluations, or analyses related to:
 - a. Features of Social Media Platforms that are psychologically or physically harmful to Young Users;
 - b. Features of Social Media Platforms that promote compulsive, prolonged, or unhealthy use by Young Users;
 - c. The impact of features of Social Media Platforms, including:
 - (1) Algorithmic recommendation and sequencing;
 - (2) Image filters;
 - (3) Use of multiple user accounts;
 - (4) Infinite scroll;
 - (5) Ephemeral content features;
 - (6) Autoplay;
 - (7) Quantification and display of likes; or
 - (8) Audiovisual and haptic alerts.
- 16. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of Young Users, including those related to the effects of:
 - a. Social Media Platforms usage;
 - b. Video games usage;
 - c. Cell phone usage;
 - d. Messaging usage;
 - e. Usage of other electronics apart from usage of Social Media Platforms;
 - f. COVID-19 and/or remote learning;
 - g. Use of drugs or alcohol;
 - h. The opioid and fentanyl epidemic;
 - i. Poverty, homelessness, lack of health insurance, and/or food insecurity;
 - j. Physical health including nutrition, exercise, weight management, sleeping habits, and sexual activity;
 - k. Family trauma or deaths;
 - 1. Academic pressure;
 - m. Violence, including school violence, domestic violence, gun violence, gun control and/or mass shootings;

- n. Bullying or verbal abuse apart from usage of Social Media Platforms;
- o. Political polarization;
- p. Natural disasters;
- q. Climate change;
- r. Discrimination and inequity;
- s. Global warfare and conflict; and
- t. Any other potential causes of harms to the mental, social, emotional, or behavioral health of Young Users.
- 17. Youth Risk Behavior Surveys conducted by the California Department of Education or on its behalf.
- 18. Public or non-public meetings held by the California Department of Education related to Social Media Platforms and use of Social Media Platforms by Young Users, including notices, meeting notes, PowerPoint presentations, internal memoranda, summaries, personal notes, or attendee lists.
- 19. Mental, social, emotional, or behavioral health services provided by the California Department of Education to Young Users during the Relevant Period.
- 20. Budgeted and actual expenditures by the California Department of Education during the Relevant Period related to Young Users' use of Social Media Platforms.
- 21. Policies, procedures, and practices related to the California Department of Education's use of Social Media Platforms, including communication of information or promotion of California Department of Education programs, initiatives, efforts, or actions on Social Media Platforms.
- 22. California Department of Education's budget and actual expenditures during the Relevant Period, including expenditures on:
 - a. Digital advertisements by the California Department of Education on Social Media Platforms
 - b. Digital advertisements by the California Department of Education purchased through Social Media Platforms.

ATTACHMENT B

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6	IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA		
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8			
9	IN RE: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation	MDL No. 3047 Case No. 4:22-md-03047-YGR	
10		Honorable Yvonne Gonzalez Rogers	
11	This document relates to: ALL ACTIONS	Honorable Peter H. Kang	
12		STIPULATION AND [PROPOSED] ORDER GOVERNING THE	
13		PRODUCTION OF	
14		ELECTRONICALLY STORED INFORMATION AND HARD COPY	
15		DOCUMENTS	
16			
17	1. PURPOSE		
18	This Order Governing the Production of El	ectronically Stored Information and Hard Copy	
19	Documents ("ESI Order") will govern discovery of electronically stored information and any hard		
20	copy documents in this Litigation as a supplement to the Federal Rules of Civil Procedure, this		
21	District's Guidelines for the Discovery of Electronically Stored Information, and any other		
22	applicable orders and rules. "This Litigation" includes all actions currently in MDL No. 3047, In		
23	Re: Social Media Adolescent Addiction/Personal Injury Products Liability, or hereafter added or		
24	transferred to MDL No. 3047, and all actions later remanded to their respective transferor courts.		
25	2. DEFINITIONS		
26	a) "Document" is defined to be synonymous in meaning and equal in scope to the usage		
27	of this term in Rules 26 and 34 of the Federal Rules of Civil Procedure and shall		

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include Hard-Copy Documents and ESI.

- b) "Electronically stored information" or "ESI," as used herein has the same meaning as in Federal Rules of Civil Procedure 26 and 34.
- c) "Hard-Copy Document" means Documents existing in paper form at the time of collection.
- d) "Searchable Text" means the native text extracted from an Electronic Document and any Optical Character Recognition text ("OCR text") generated from a Hard-Copy Document or electronic image.

3. COOPERATION

The Parties are aware of the importance the Court places on cooperation and commit to cooperate in good faith throughout this Litigation consistent with this Court's Guidelines for the Discovery of ESI and this Court's Rules of Professional Conduct. The Parties will endeavor to cooperate in good faith and be reasonably transparent in all aspects of the discovery process.

4. LIAISON

The Parties will identify Discovery Liaisons to each other who are and will be knowledgeable about and responsible for discussing their respective ESI. Any Party is free to change their designated Discovery Liaison by providing written notice to the other Parties. Each Party's Discovery Liaison must: (a) be prepared to meet and confer on discovery-related matters and to participate in discovery dispute resolution; (b) be knowledgeable about the Party's discovery efforts; (c) be, or have reasonable access to those who are, familiar with the Party's electronic systems and capabilities in order to explain those systems and answer relevant questions; and (d) be, or have reasonable access to those who are knowledgeable about the technical aspects of discovery, including electronic document storage, organization, and format issues, and relevant information retrieval technology, including search methodology.

5. IDENTIFICATION OF CUSTODIANS AND DATA SOURCES

The parties will disclose information about custodians and custodial and non-custodial data sources likely to possess relevant or responsive information in accordance with Fed. R. Civ. P. 26 and this District's ESI Guidelines. The Parties will participate in Rule 26(f) discussions guided by this District's Checklist for Rule 26(f) Meet and Confer Regarding Electronically

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been served, the parties will meet and confer regarding those custodians and custodial and noncustodial data sources from which Documents and ESI will be collected for search and review for potential production in this litigation. The custodian and data source exchanges will include brief explanations of the rationale for their selections; for example, for custodians, their current job titles and descriptions of their work, and for data sources, location information and description.

Stored Information. After responses to Requests for Production under Fed. R. Civ. P. 34 have

6. INACCESSIBLE OR UNUSABLE ESI

If a Producing Party asserts that certain requested ESI is inaccessible or not "reasonably accessible," otherwise unnecessary, or if the Receiving Party asserts that, following production, certain ESI is not reasonably useable, the parties shall meet and confer to discuss resolving such assertions. The parties will exchange sufficient information to enable the parties to confer in good faith. If the parties cannot resolve any such disputes after such a meet and confer has taken place, the issue shall be presented to the Court for resolution.

7. KNOWN RESPONSIVE DOCUMENTS

Documents or ESI identified in a custodial or non-custodial file, or in a discrete folder or collection, that are known to a Producing Party through reasonable investigation to be responsive to a discovery request shall be collected for review without regard to whether the responsive content was located via any search methodology developed in accordance with this Order, and nothing about such review shall prevent the Producing Party from redacting or withholding and logging such documents for applicable privileges.

8. SEARCH METHODOLOGIES

The Parties shall adopt reasonable and proportionate methodologies to identify, search, collect, cull, review, and produce ESI as required under applicable legal standards. The Parties recognize and agree that each Party may use one or more methodologies to identify, search, collect, cull, review, and produce responsive and non-privileged ESI, including the use of keyword search terms and/or the use of technology assisted review ("TAR") as discussed further herein. The Parties further recognize that different data sets may implicate different methodologies to identify, search, collect, cull, review, and produce responsive and non-

privileged ESI. The Parties therefore agree to meet and confer in good faith regarding any potential disputes over their respective ESI productions.

9. HIT REPORTS AND SEARCH TERMS

If a Producing Party uses search terms to identify, search, or cull potentially responsive ESI, the Producing Party shall disclose the search terms to the Requesting Party. The Parties shall meet and confer regarding any disputes over the disclosed search terms. In the event that a Producing Party claims burden with respect to modified and/or additional search terms proposed by a Requesting Party, the Producing Party shall provide a hit report for the terms at issue using industry-standard processing tools, such as NUIX or other similar tools. The Producing Party shall provide a hit report for the document collection where the terms were applied, including the following with respect to each proposed or modified search term in the collection:

- a) The number of documents with hits for that term; and
- b) The number of unique documents, i.e., documents which do not have hits for any other term.

If, after reviewing a hit report from a Producing Party, a Requesting Party so chooses, it may reasonably request a further hit report which includes:

- c) The number of family members, including the documents with hits, of the documents with hits for that term; and
- d) The number of unique family members of the documents with hits for that term.

If the ESI tool for the Producing Party is capable without undue burden of providing the number of family members and unique family members, then the Producing Party shall provide such further hit report. The Parties (including the person most knowledgeable about the capabilities of the Producing Party's ESI tool and the Requesting Party's person most knowledgeable about technical issues from its ESI service provider) shall meet and confer regarding any disputes over whether the Producing Party's ESI tool has the capability or not to provider either number of family members or number of unique family members.

The Parties shall meet and confer to resolve disagreements over the search terms or their application. To the extent the Parties are unable to reach agreement on the application of, or

procedures for, any search or filtering processes, the Parties shall fully comply with the provisions of this Court's Discovery Standing Order regarding the procedure for raising discovery disputes with the Court, including the meet and confer and certification requirements therein.

10. TECHNOLOGY ASSISTED REVIEW (TAR)

A Producing Party may use TAR (technology-assisted review) during the culling and review process of ESI, which may be applied in addition to search terms. If a Producing Party uses TAR to cull, filter out, or exclude documents from that Party's production, that Producing Party shall do the following:

- If a Producing Party chooses to apply both search terms and TAR to a review set, the Producing Party will disclose the search terms to all other Party/Parties.
- Disclose the name of the TAR tool or service used to all other Party/Parties.

11. VALIDATION

Each Producing Party shall take reasonable steps to validate its review process (i.e., using quality control measures to determine whether its production is missing relevant ESI or contains substantial amounts of irrelevant ESI) and make any necessary adjustments or corrections to its process. If, after reviewing a Producing Party's production, a Requesting Party reasonably requests additional information regarding the validation method(s) used by the Producing Party, the Producing Party will disclose the level of end-to-end recall (the percentage of responsive Documents in the collection which were identified as responsive by that Producing Party's methodology). If there remain disputes between the Parties regarding validation, the Parties shall meet and confer to resolve such disputes in good faith, including a reasonable discussion regarding the tool used and the parameters used to obtain or calculate the level of recall.

12. UNSEARCHABLE DOCUMENTS

The Producing Party shall use reasonable efforts to identify and review potentially responsive documents for which text-based search technologies are fundamentally ineffective.

13. SYSTEM FILES

Each Party will use its best efforts to filter out common system files and application executable files using the national software reference library ("NSRL") NIST hash set list. The

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Parties also may filter out stand-alone files identified as zero bytes in size. Additional culling of file types based on file header information may be applied to the following, provided these files are not known to be otherwise attached, embedded in, or included with an otherwise responsive document, or are not themselves reasonably known to contain information responsive or contain responsive data or are used to interface with users or interact with or access individual or aggregated user data: Application Package File, Backup Files, Batch Files, Binary Disc Image, C++ File Formats, Cascading Style Sheet, Configuration File, Database File, Dictionary Files, Dynamic Link Library, Event Log Files, Executable Files, Hypertext Cascading Stylesheet, Java Archive Files, JavaScript Files, JavaScript Source Code and Class Files, Macintosh Resource Fork Files, Package Manager Files, Program Files, Program Installers, Python Script Files, Shell Script Files, System or Temporary Files, Thumbnail Cache Files, Troff Files, Truetype Font Files, Windows Cabinet File, Windows Command Files, Windows File Shortcut, Windows Help Files, Windows Metafiles and Enhanced Metafiles, Windows Spool Files, Windows System File.

14. DEDUPLICATION

Each Producing Party shall make reasonable efforts to globally deduplicate exact duplicate Documents within that Producing Party's ESI data set across all custodial and non-custodial sources at the family level using either MD5 hash values or SHA hash values or any other agreed-upon (and disclosed) industry-standard deduplication technology. The Parties shall reach agreement on such other deduplication technology and shall reach agreement on how their deduplication tools shall identify exact duplicates of documents in a manner that is consistent with the disclosed tools and technologies a Producing Party is using. The Parties shall reach agreement on how to identify exact duplicates of emails using industry-standard commercially available software tools or services, which may for example calculate hash values of emails based on concatenated values of agreed-upon email fields and/or hash values of attachments, or which may use any other method the Parties agree upon. Having further met and conferred in keeping with the previous sentence, the Parties shall calculate deduplication hash values for emails on the concatenated values set forth in and in accordance with the documentation specifications of the disclosed deduplication tools to be used in this Litigation (i.e., RelativityOne, Relativity Server,

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Bcc" as an additional field to add to the default ones.

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conferring on this issue.

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and Nuix); however, if Nuix is used, the Producing Party shall select the optional field "Include

The names of all custodians who were either identified as custodians for purposes of collection for this matter (or otherwise known by the Producing Party to have been in possession or custody of a document prior to deduplication) will be populated in the ALL CUSTODIANS metadata field for the produced version of a document that has duplicates removed from production. The original file paths (if any exist) of a document prior to deduplication will be populated in the ALL FILE PATHS metadata field of the produced document.

15. **EMAIL THREADING**

The Parties may use analytics technology to identify email threads and shall produce the unique most inclusive copy and related family members. Where multiple email messages are part of a single chain or "thread," a Party is only required to produce the most inclusive copy of an email message(s) ("Last In Time Email(s)") and need not produce earlier, lesser inclusive email messages or "thread members," provided that the tool or software service being used to perform threading is disclosed. A Producing Party may exclude from production lesser inclusive copies of the most inclusive email message in the thread, where the entire body of each of those lesser inclusive copies is included within the Last in Time Email. The Producing Party will honor reasonable requests to produce lesser inclusive copies of a Last In Time Email or other earlier chains of emails otherwise excluded by email thread suppression.

The Parties shall treat new or different email chains or threads pursuant to further agreement on safeguards or guidelines for defining emails threads which reasonably take into account the capabilities of the email threading/dethreading/hyperthreading tools used by each Defendant (which shall be disclosed to Plaintiffs).

SOURCE CODE 16.

The Parties will meet and confer to address the production and/or inspection of source code and entering into a separate order governing the same if needed.

17. PRODUCTION FORMATS

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The Parties agree to produce documents and data in the formats described in **Appendix 1** to this ESI Order. If particular documents or categories of documents identified in response to document requests warrant a different format, the Parties will cooperate to arrange for the mutually acceptable production of such documents. The Parties further agree not to degrade the searchability of documents as part of the document production process.

In addition, the Parties agree that the production and production format of social media and/or user account information is not covered by this agreement and to meet and confer on the production and production format, including metadata, for social media and/or user account information.

18. PHASING

Once the Parties begin propounding discovery requests pursuant to Fed. R. Civ. P. 34, the Parties agree to meet and confer regarding appropriate phasing for the production of ESI.

19. MISCELLANEOUS PROVISIONS

- a) Production of Plaintiffs ESI and Case-Specific Materials. Subject to any further agreement among the Parties or Order of the Court, the Parties shall produce case-specific documents (i.e., documents specific to the claim of a given Plaintiff, produced by Plaintiffs or Defendants) for any Plaintiff in discovery pools or other selections designed to inform bellwether selection, including those selected for a bellwether trial, in accordance with the production format specified herein, provided, however, that the Producing Party may elect to produce such materials in their native format. To the extent production of case-specific documents for any Plaintiff selected for a bellwether trial presents an issue for any Party, the Parties shall reasonably confer, and may present any disputes to the Court or its designee. The Parties shall further agree to confer concerning the production format and associated matters (e.g., hosting platform) for case-specific documents produced in the cases of other Plaintiffs.

 Nothing herein shall limit Defendant's right to seek discovery from any Plaintiff.
- b) Translations Of Produced Materials. The Producing Party has no obligation to

create a translation of the Documents or any portion thereof. For any foreign-language documents responsive to document requests that a Party reasonably knows as the result of a reasonable investigation have been translated into the English language using human translators or through machine translation for its own purposes, except to the extent such translation is protected by attorney-client or work-product privileges, the Producing Party shall produce the translation of the original document with the original. The parties will meet and confer as necessary concerning procedures for using translations at depositions and at trial. In the event the Parties cannot reach agreement, the matter may be submitted to the Court for determination.

- c) Third-Party Documents. A Party that issues a Non-Party subpoena ("Issuing Party") shall include a copy of this Order with the subpoena and state that (1) the subpoenaed Non-Party should produce Documents in response to the subpoena to all Parties; and (2) the Parties to this Litigation have requested that Third Parties produce Documents in accordance with the specifications set forth herein. If the subpoenaed Non-Party produces Documents to the Issuing Party but does not produce those Documents to other Parties, the Issuing Party shall produce such Documents to those other Parties within 14 days of receiving the Documents, except where the Documents are to be used in a deposition, in which case the Issuing Party shall produce such Documents to all other Parties no later than three (3) days prior to the deposition, or as soon as reasonably practicable if such production occurs thereafter. Nothing in this Order is intended or may be interpreted to narrow, expand, or otherwise affect the rights of the Parties or Third Parties to object to a subpoena. If the Non-Party production is not Bates-stamped, the Parties will meet and confer to agree upon a format for designating the documents with a unique Bates Number prefix.
- d) <u>Documents Produced by Parties Presumption of Authenticity</u>. In order to reduce the number of requests for admission, this Order establishes a rebuttable presumption that documents produced by the Parties are authentic, if said documents were either created or authored by the producing Party, or any of its employees, agents, or

contractors, so long as the employees', agents', or contractors' work was performed in connection with a project or assignment sponsored by the producing Party. No further evidence to establish authenticity need be provided. Nothing in this paragraph shall be deemed to waive any other evidentiary objection a party may have, including but not limited to hearsay, foundation/personal knowledge, or relevance.

- e) **Re-productions.** Notwithstanding any provisions to the contrary, re-production of discrete sets of documents from another litigation, arbitration, government inquiry, or other matter may be re-produced in the same manner and form as originally produced in the other matter, provided however that a party will re-produce documents in a different format for good cause shown. This provision does not waive the right of a party to object to any requests for reproduction of production files from another litigation, arbitration, government inquiry, or other matter.
- f) Modification. This ESI Order may be modified by a Stipulated Order of the Parties or by the Court for good cause shown.
- g) Good Faith. The Parties will act in good faith as required by law and use these procedures to identify and reduce the potential for disputes.
- h) **Continuing Obligations**. The Parties recognize that discovery shall be an iterative and cooperative process. The Parties will continue to meet and confer regarding any issues as reasonably necessary and appropriate. This Order does not address or resolve any objections to the Parties' respective discovery requests.
- i) **Reservation of Rights**. The Parties agree that any topic not addressed herein is neither a waiver nor acknowledgement of agreement by either Party.
- **IT IS SO STIPULATED**, through Counsel of Record.

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1 DATED: March 15, 2024 Respectfully submitted, 2 /s/ Lexi J. Hazam LEXI J. HAZAM 3 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP 4 275 BATTERY STREET, 29TH FLOOR SAN FRANCISCO, CA 94111-3339 5 Telephone: 415-956-1000 lhazam@lchb.com 6 7 PREVIN WARREN 8 MOTLEY RICE LLC 401 9th Street NW Suite 630 9 Washington DC 20004 T: 202-386-9610 10 pwarren@motleyrice.com 11 Co-Lead Counsel 12 CHRISTOPHER A. SEEGER 13 SEEGER WEISS, LLP 55 CHALLENGER ROAD, 6TH FLOOR 14 RIDGEFIELD PARK, NJ 07660 15 Telephone: 973-639-9100 Facsimile: 973-679-8656 16 cseeger@seegerweiss.com 17 Counsel to Co-Lead Counsel 18 JENNIE LEE ANDERSON 19 ANDRUS ANDERSON, LLP 155 MONTGOMERY STREET, SUITE 900 20 SAN FRANCISCO, CA 94104 Telephone: 415-986-1400 21 jennie@andrusanderson.com 22 Liaison Counsel 23 MATTHEW BERGMAN 24 GLENN DRAPER SOCIAL MEDIA VICTIMS LAW CENTER 25 821 SECOND AVENUE, SUITE 2100 26 SEATTLE, WA 98104 Telephone: 206-741-4862 27 matt@socialmediavictims.org glenn@socialmediavictims.org 28

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ĺ	Caase44222:1796550344743165RD 000000000000000000000000000000000000
1	JAMES J. BILSBORROW
2	WEITZ & LUXENBERG, PC
	700 BROADWAY NEW YORK, NY 10003
3	Telephone: 212-558-5500
4	Facsimile: 212-344-5461
_	jbilsborrow@weitzlux.com
5	PAIGE BOLDT WATTS GUERRA LLP
6	4 Dominion Drive, Bldg. 3, Suite 100
7	San Antonio, TX 78257
,	T: 210-448-0500
8	PBoldt@WattsGuerra.com
9	THOMAS P. CARTMELL
10	WAGSTAFF & CARTMELL LLP
	4740 Grand Avenue, Suite 300
11	Kansas City, MO 64112 T: 816-701 1100
12	tcartmell@wcllp.com
13	JAYNE CONROY
14	SIMMONS HANLY CONROY, LLC
14	112 MADISON AVE, 7TH FLOOR
15	NEW YORK, NY 10016
16	Telephone: 917-882-5522 jconroy@simmonsfirm.com
	CARRIE GOLDBERG
17	C.A. GOLDBERG, PLLC
18	16 Court St.
10	Brooklyn, NY 11241 T: (646) 666-8908
19	carrie@cagoldberglaw.com
20	
21	SIN-TING MARY LIU AYLSTOCK WITKIN KREIS &
22	OVERHOLTZ, PLLC
	17 EAST MAIN STREET, SUITE 200
23	PENSACOLA, FL 32502
24	Telephone: 510-698-9566 mliu@awkolaw.com
25	
	ANDRE MURA GIBBS LAW GROUP, LLP
26	1111 BROADWAY, SUITE 2100
27	OAKLAND, CA 94607
28	Telephone: 510-350-9717
40	amm@classlawgroup.com

ĺ	Caase44222cm65343034743163RD 00000001emen1116699 Filed 03/28/24 Page 83 of 399
1	
1	
2	
3	EMMIE PAULOS LEVIN PAPANTONIO RAFFERTY
4	316 SOUTH BAYLEN STREET, SUITE 600
5	PENSACOLA, FL 32502
5	Telephone: 850-435-7107 epaulos@levinlaw.com
6	•
7	ROLAND TELLIS DAVID FERNANDES
8	BARON & BUDD, P.C.
0	15910 Ventura Boulevard, Suite 1600
9	Encino, CA 91436
10	Telephone: (818) 839-2333 Facsimile: (818) 986-9698
11	rtellis@baronbudd.com
	dfernandes@baronbudd.com
12	ALEXANDRA WALSH
13	WALSH LAW
14	1050 Connecticut Ave, NW, Suite 500
	Washington D.C. 20036 T: 202-780-3014
15	awalsh@alexwalshlaw.com
16	MICHAEL M. WEINKOWITZ
17	LEVIN SEDRAN & BERMAN, LLP
18	510 WALNUT STREET
	SUITE 500
19	PHILADELPHIA, PA 19106 Telephone: 215-592-1500
20	mweinkowitz@lfsbalw.com
21	DIANDRA "FU" DEBROSSE ZIMMERMANN
22	DICELLO LEVITT
	505 20th St North Suite 1500
23	Birmingham, Alabama 35203
24	Telephone: 205.855.5700
25	fu@dicellolevitt.com
26	
27	
28	

	Caaee44222:vnd5243184743163RDdDouccoemer11116698	9 Filed 03/28/24 Page 85 of 369
1		HILLARY NAPPI HACH & ROSE LLP
2		112 Madison Avenue, 10th Floor
3		New York, New York 10016 Tel: 212.213.8311
4		hnappi@hrsclaw.com
5		JAMES MARSH
6		MARSH LAW FIRM PLLC
7		31 HUDSON YARDS, 11TH FLOOR NEW YORK, NY 10001-2170
		Telephone: 212-372-3030 jamesmarsh@marshlaw.com
8		Jamesmarsmaw.com
9		Attorneys for Individual Plaintiffs
10		ROB BONTA
11		Attorney General State of California
12		State of Camornia
13		<u>/s/ Megan O'Neill</u> Nick A. Akers (CA SBN 211222)
14		Senior Assistant Attorney General
		Bernard Eskandari (SBN 244395) Supervising Deputy Attorney General
15		Megan O'Neill (CA SBN 343535)
16		Joshua Olszewski-Jubelirer (CA SBN 336428)
17		Marissa Roy (CA SBN 318773)
18		Deputy Attorneys General California Department of Justice
19		Office of the Attorney General
20		455 Golden Gate Ave., Suite 11000 San Francisco, CA 94102-7004
21		Phone: (415) 510-4400
		Fax: (415) 703-5480 Bernard.Eskandari@doj.ca.gov
22		
23		Attorneys for Plaintiff the People of the State of California
24		•
25		
26		
27		
28		
	II	

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1	
1	RUSSELL COLEMAN
2	Attorney General
3	Commonwealth of Kentucky
4	/s/ J. Christian Lewis J. Christian Lewis (KY Bar No. 87109),
5	Pro hac vice
6	Philip Heleringer (KY Bar No. 96748),
6	Pro hac vice
7	Zachary Richards (KY Bar No. 99209), Pro hac vice app. forthcoming
8	Daniel I. Keiser (KY Bar No. 100264),
	Pro hac vice
9	Matthew Cocanougher (KY Bar No. 94292),
10	Pro hac vice Assistant Attorneys General
11	1024 Capital Center Drive, Suite 200
11	Frankfort, KY 40601
12	CHRISTIAN.LEWIS@KY.GOV
13	PHILIP.HELERINGER@KY.GOV ZACH.RICHARDS@KY.GOV
	DANIEL.KEISER@KY.GOV
14	MATTHEW.COCANOUGHER@KY.GOV
15	Phone: (502) 696-5300
16	Fax: (502) 564-2698
17	Attorneys for Plaintiff the Commonwealth of Kentucky
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

ı	Caase44222211Ad5943184743163RD @ Filed 03/28/24 Page 816 of 8189
1	COVINGTON & BURLING LLP
2	By: /s/ Ashley M. Simonsen
3	Ashley M. Simonsen, SBN 275203
4	COVINGTON & BURLING LLP 1999 Avenue of the Stars
	Los Angeles, CA 90067
5	Telephone: (424) 332-4800
6	Facsimile: + 1 (424) 332-4749 Email: asimonsen@cov.com
7	
8	Phyllis A. Jones, <i>pro hac vice</i> Paul W. Schmidt, <i>pro hac vice</i>
	COVINGTON & BURLING LLP
9	One City Center
10	850 Tenth Street, NW Washington, DC 20001-4956
11	Telephone: + 1 (202) 662-6000
	Facsimile: + 1 (202) 662-6291
12	Email: pajones@cov.com
13	Attorney for Defendants Meta Platforms, Inc.
14	f/k/a Facebook, Inc.; Facebook Holdings,
1.5	LLC; Facebook Operations, LLC; Facebook Payments, Inc.; Facebook Technologies, LLC;
15	Instagram, LLC; Siculus, Inc.; and Mark Elliot
16	Zuckerberg
17	FAEGRE DRINKER LLP
18	<u>By: /s/ Andrea Roberts Pierson</u>
	Andrea Roberts Pierson, pro hac vice
19	FAEGRE DRINKER LLP 300 N. Meridian Street, Suite 2500
20	Indianapolis, IN 46204
21	Telephone: +1 (317) 237-0300
	Facsimile: + 1 (317) 237-1000 Email: andrea.pierson@faegredrinker.com
22	,
23	Amy R. Fiterman, pro hac vice FAEGRE DRINKER LLP
24	2200 Wells Fargo Center
25	90 South Seventh Street
	Minneapolis MN 55402 Telephone: +1 (612) 766 7768
26	Facsimile: +1 (612) 766 1600
27	Email: amy.fiterman@faegredrinker.com
28	Geoffrey M. Drake, pro hac vice

ĺ	Caaee44222cm65943184743163RD @ Filed 03/28/24 Page 88 of 899
1	KING & SPALDING LLP
	1180 Peachtree Street, NE, Suite 1600
2	Atlanta, GA 30309
3	Telephone: +1 (404) 572 4726 Email: gdrake@kslaw.com
4	David D. Mattern and Landing
5	David P. Mattern, pro hac vice KING & SPALDING LLP
6	1700 Pennsylvania Avenue, NW, Suite 900
7	Washington, D.C. 20006 Telephone: +1 (202) 626 2946
-	Email: dmattern@kslaw.com
8	Attorneys for Defendants TikTok Inc. and
9	ByteDance Inc.
10	MUNGER, TOLLES & OLSEN LLP
11	By: /s/ Jonathan H. Blavin
12	Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP
12	560 Mission Street, 27th Floor
13	San Francisco, CA 94105-3089
14	Telephone: (415) 512-4000
15	Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com
16	Rose L. Ehler (SBN 29652)
10	Victoria A. Degtyareva (SBN 284199)
17	Laura M. Lopez, (SBN 313450)
18	Ariel T. Teshuva (SBN 324238)
10	MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor
19	Los Angeles, CA 90071-3426
20	Telephone: (213) 683-9100
21	Facsimile: (213) 687-3702 Email: rose.ehler@mto.com
22	Email: victoria.degtyareva@mto.com
	Email: Ariel.Teshuva@mto.com
23	Lauren A. Bell (pro hac vice forthcoming)
24	MUNGER, TOLLES & OLSON LLP
25	601 Massachusetts Ave., NW St., Suite 500 E
26	Washington, D.C. 20001-5369
27	Telephone: (202) 220-1100 Facsimile: (202) 220-2300
	Email: lauren.bell@mto.com
28	

ı	Caaee44222e17405313134743163RD 000000000000000000000000000000000000
1	Attorneys for Defendant Snap Inc.
2	WILSON SONSINI GOODRICH & ROSATI
3	Professional Corporation
5	By: /s/ Brian M. Willen
4	Brian M. Willen (<i>pro hac vice</i>) WILSON SONSINI GOODRICH & ROSATI
5	1301 Avenue of the Americas, 40th Floor
6	New York, New York 10019
6	Telephone: (212) 999-5800
7	Facsimile: (212) 999-5899 Email: bwillen@wsgr.com
8	Eman. ownich@wsgr.com
	Lauren Gallo White
9	Samantha A. Machock
10	WILSON SONSINI GOODRICH & ROSATI One Market Plaza, Spear Tower, Suite 3300
11	San Francisco, CA 94105
11	Telephone: (415) 947-2000
12	Facsimile: (415) 947-2099
13	Email: lwhite@wsgr.com
	Email: smachock@wsgr.com
14	Christopher Chiou
15	WILSON SONSINI GOODRICH & ROSATI
1.6	953 East Third Street, Suite 100
16	Los Angeles, CA 90013 Telephone: (323) 210-2900
17	Facsimile: (866) 974-7329
18	Email: cchiou@wsgr.com
10	
19	Attorneys for Defendants YouTube, LLC, Google
20	LLC, and Alphabet Inc.
	WILLIAMS & CONNOLLY LLP
21	By: <u>/s/ Joseph G. Petrosinelli</u>
22	Joseph G. Petrosinelli (pro hac vice)
23	jpetrosinelli@wc.com Ashley W. Hardin (<i>pro hac vice</i>)
23	ahardin@wc.com
24	680 Maine Avenue, SW
25	Washington, DC 20024
	Telephone.: 202-434-5000 Fax: 202-434-5029
26	1°dA. 202-434-3029
27	Attorneys for Defendants YouTube, LLC, Google
20	LLC, and Alphabet Inc.
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1	MORGAN, LEWIS & BOCKIUS LLP
2	By: <u>/s/ Stephanie Schuster</u> Stephanie Schuster (<i>pro hac vice</i>)
3	stephanie.schuster@morganlewis.com 1111 Pennsylvania Avenue NW
4	NW Washington, DC 20004-2541
5	Tel.: 202.373.6595
6	Yardena R. Zwang-Weissman (SBN 247111) yardena.zwang-weissman@morganlewis.com
7	300 South Grand Avenue, 22nd Floor Los Angeles, CA 90071-3132
8	Tel.: 213.612.7238
9	Brian Ercole (pro hac vice)
10	<u>brian.ercole@morganlewis.com</u> 600 Brickell Avenue, Suite 1600
11	Miami, FL 33131-3075 Tel.: 305.415.3416
12	Attorneys for Defendants YouTube, LLC and
13	Google LLC
14	IT IS ORDERED that the foregoing Agreement is approved.
15	\mathcal{O}_{Ω}
16	Dated:March 18, 2024
17	MAGISTRATE JUDGE PETER H. KANG
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APPENDIX 1: PRODUCTION FORMAT

- 1) **Production Components.** Except as otherwise provided below, ESI must be produced in accordance with the following specifications:
 - a) an ASCII delimited data file (.DAT) using standard delimiters;
 - b) an image load file (.OPT) that can be loaded into commercially acceptable production software (e.g. Concordance);
 - c) single page black-and-white TIFF images, or JPEG images when color is specified herein, or native files with single page placeholder TIFF images depending on the applicable production format for each type of file;
 - d) and document level .TXT files for all documents containing extracted full text or OCR text.
 - e) Family relationships between emails and their attachments, embedded files and their source document, and connected hardcopy documents will be maintained in production. Attachments should be consecutively produced with their parent.
 - f) If a particular document warrants a different production format, the Parties will cooperate in good faith to arrange for a mutually acceptable production format.
- 2) Production Media and Access Controls. Productions must be encrypted and produced through secure electronic means, such as secure file sharing methods (e.g. FTP), or on CD, DVD, flash drive or external hard drive ("Production Media"). Each piece of Production Media must identify a production number corresponding to the production volume (e.g. "VOL001"). Each piece of Production Media must also identify: (a) the case caption; (b) the following label: "This media contains material subject to Court Ordered security measures"; (c) the Producing Party's name; (d) the production date; (e) the Bates Number range of the materials contained on the Production Media.

Nothing in this ESI Order will preclude or impair any and all protections provided the Parties by any Protective Order(s) agreed and entered into by the Parties. Parties will use best efforts to avoid the unnecessary copying or transmittal of produced documents. If questions arise, the Parties will meet and confer to ensure security concerns are addressed prior to the exchange of

any documents.

- aproduction sets. The Bates Numbers in the image load file must match the corresponding documents in the image load file should match the image load file must match the corresponding of the production. The total number of pages referenced in a production's image load file should match the total number of pages referenced in a production's image load file should match the total number of TIFF files in the production. All images must be assigned a unique Bates number that is sequential within a given document and across the production sets. The Bates Numbers in the image load file must match the corresponding documents' beginning Bates numbers in the data load file. The total number of documents in a production should match the total number of records in the data load file. Load files must not vary in format or structure within a production, or from one production to another except by agreement of the Parties.
- 4) Metadata Fields. Each of the metadata and coding fields set forth below that can be extracted should be produced for each document, except that if the field contains privileged information, that privileged information may be redacted. However, to the extent that metadata does not exist, is not available for any documents produced, this provision shall not be read to require any Party to extract, capture, collect, manually populate, or produce such metadata, with the exception of the following: (a) BEGBATES, (b) ENDBATES, (c) BEGATTACH, (d) ENDATTACH, (e) PRODVOL, (f) ALL CUSTODIANS, (g) CONFIDENTIALITY, (h) REDACTIONS, (i) REDACTION TYPE, (j) HASHVALUE, (k) NATIVEFILEPATH, and (l) TEXTFILEPATH, which should be populated by the Party or the Party's vendor. The Parties will make reasonable efforts to ensure that metadata fields automatically extracted from the documents correspond directly to the information that exists in the original documents.

Field Name	Field Description
BEGBATES	Beginning Bates number for a particular document as stamped on the first production image for that document
ENDBATES	Ending Bates number as stamped on the last

Field Name	Field Description
	production image for a particular document
BEGATTACH	First production Bates number of the first document in a family
ENDATTACH	Last production Bates number of the last document in a family
ATTACHCOUNT	Number of attachments to an e-mail or embedded parent, as generated by commercially available discovery processing tools.
ATTACHNAMES	Names of each individual Attachment, separated by semicolons.
PRODVOL	Production volume
ALLCUSTODIANS	List of all custodians associated with Document, i.e. "Custodian" + "Other Custodian" values delimited by semicolon.
ALLFILEPATHS	All original path(s) to the individual source file(s) when available in the ordinary course of business to and processable by the parties and their ESI vendors of choice. Includes path up to and including internal path of containers.
CONFIDENTIALITY	Confidentiality designation assigned to the document consistent with the Stipulated Protective Order governing this Litigation
NATIVEFILEPATH	Native File Link (Native Files only)
TEXTFILEPATH	Path to extracted text/OCR file for the document
HASHVALUE	MD5 hash value of the document
DOCUMENT TYPE	Descriptor for the type of document: "Edocument" for electronic documents not attached to e-mails; "E-mail" for all e-mails; "E-attachment" for files that were attachments to e-mails; and "Physical" for hard copy physical documents that have been scanned and converted to an electronic image.
AUTHOR	Any value populated in the Author field of the

Field Name	Field Description
	document properties
DOCDATE	Date the document was created according to filesystem information (format: MM/DD/YYYY)
DATELASTMODIFIED	Date when document was last modified according to filesystem information (forma MM/DD/YYYY)
LAST MODIFIED BY	Last person who modified (saved) a document, as generated by commercially available discovery processing tools.
TRACK CHANGES	Y if a document with track changes value, otherwise N or empty, if available separate from the HASHIDDENDATA flag
COMMENTS	Y if a document with comments, otherwise or empty, if available separately from the HASHIDDENDATA flag
HASHIDDENDATA	Y if a document with hidden content value otherwise N or empty
FILENAME	Filename of an electronic document
TITLE	Any value populated in the Title field of th document properties
DOCEXT	File extension of document pulled from the document properties
FROM	The sender of the email
ТО	All recipients that were included on the "T line of the email
CC	All recipients that were included on the "C line of the email
BCC	All recipients that were included on the "BCC" line of the email
DATETIMERECEIVED	Date and time email was received (format: MM/DD/YYYY HH:MM)
DATETIMESENT	Date and time email was sent (format: MM/DD/YYYY HH:MM)

Field Name	Field Description
TIMEZONE	The timezone used to process the document
EMAILSUBJECT	Subject line of email pulled from the document properties
THREADID	If a threading tool is used for emails, the thread id generated by the threading tool.
REDACTION TYPE ¹	General category of redaction reason as agreed to by the parties. For example, PII, SCA, CODE, and/or PRIV. If more than one, separate reasons by semicolons.
REDACTIONS	Y if a document is redacted, otherwise N or empty

- 5) TIFFs. Unless excepted below, single page, black and white, Group IV TIFFs should be provided, at least 300 dots per inch (dpi) for all documents. Each TIFF image must be named according to a unique corresponding Bates number associated with the document. Each image must be branded according to the Bates number and the agreed upon confidentiality designation. Original document orientation should be maintained (i.e., portrait to portrait and landscape to landscape). Where the TIFF image is unreadable or has materially degraded the quality of the original, the Producing Party shall provide a higher quality TIFF image or the native or original file. In addition, the Parties shall take reasonable efforts to process word processing documents (e.g., MS Word) with track changes and/or comments unhidden on the TIFF image.
- 6) Color. Word processing documents containing tracked changes shall be produced in color, as single-page, 300 dpi JPG images with JPG compression and a high quality setting as to not degrade the original image. The Producing Party shall comply with good faith by the Requesting Party to provide replacement color images for documents originally produced in black and white. A Party making such a request shall make the request by individual Bates

¹ The Parties will provide specific information on any privilege(s) asserted in their privilege logs, in an overlay, or the redaction boxes. The "Redaction Reason" field is informational only for redaction type and shall not in any way limit a party's right to assert attorney-client privilege, attorney-work product privilege, and/or any other applicable privilege or protection.

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number(s) and shall limit requests made pursuant to this paragraph to a reasonable number of documents.

- **7**) **Text Files.** A single multi-page text file must be provided for each document, and the filename should match its respective TIFF filename for the first page of that document. Extracted text shall be generated with commercially acceptable technology set to include all comments, revisions, tracked changes, speaker's notes and text from documents with comments or tracked changes, and hidden and very hidden worksheets, slides, columns and rows. When possible, the text of native files should be extracted directly from the native file. Parties will perform optical character recognition ("OCR") on foreign language documents using the appropriate settings for languages reasonably anticipated to be in the production following a meet and confer with the Requesting Party to identify those languages. Text files will not contain the redacted portions of the documents. A commercially acceptable technology for OCR should be used for all scanned, hard copy documents and for documents with redactions other than Excel files and other spreadsheets which shall be redacted in native format. Text extracted from emails should include the following header information where available: (1) the individuals to whom the communication was directed ("To"), (2) the author of the email communication ("From"), (3) who was copied and blind copied on such email ("CC" and "BCC"), (4) the subject line of the email ("RE" or "Subject"), and (5) the date and time of the email. To the extent the text extraction technology the Parties are using can be configured to include the text of any URLs or links, the Parties shall utilize that setting.
- Native files. Spreadsheets (*e.g.* MS Excel), and un-redacted presentations (e.g. Microsoft PowerPoint,) will be produced in native format to the extent that they are produced in this Litigation, audio, video, and multi-media files will be produced in native format. The Parties will meet and confer on the production of other file types, such as proprietary files, etc. Native files will be produced with a link in the NATIVEFILEPATH field, along with extracted text (where extracted text is available) and applicable metadata fields set forth in paragraph 4 above. A Bates numbered TIFF placeholder indicating that the document was provided in native format must accompany every native file. Where redaction makes production of native-format

files other than spreadsheets or presentations infeasible, the Parties will confer to determine a reasonably usable form for the production, but spreadsheets shall presumptively be redacted in native, and presentations presumptively redacted in image form, in these cases without the need for further conferring.

- hardcopy will be scanned to *.tiff image format and produced in accordance with the specifications set forth herein. Hard copy documents that are not text-searchable shall be made searchable by OCR prior to production. In scanning paper documents, distinct documents should not be merged into a single record, and single documents should not be split into multiple records (i.e., paper documents should be logically unitized). In the case of an organized compilation of separate documents (for example, a binder containing several separate documents behind numbered tabs), the document behind each tab should be scanned separately, but the relationship among the documents in the compilation should be reflected in the proper coding of the beginning and ending document and attachment fields. The Parties will make their best efforts to unitize the documents correctly. If relevant documents are maintained in a file, folder, envelope, binder, notebook or similar container used to store documents, all contents therein shall be reviewed for production and privilege. Document pages which have affixed notes, such as Post-it notes, should be imaged with and without the note attached.
- **10)** Confidentiality Designation. All images will be stamped with the appropriate confidentiality designations in accordance with the Stipulated Protective Order entered in this Litigation. Each document produced in native format will have its confidentiality designation identified in the filename of the native file and indicated on its corresponding TIFF placeholder.
- 11) Bates Numbering. Bates numbering should be a consistent length across the production, contain no special characters, and be numerically sequential within a given document. If a Bates number or set of Bates numbers is skipped, the skipped number or set of numbers should be noted with a placeholder. Attachments to documents will be assigned Bates numbers that directly follow the Bates numbers on the documents to which they were attached.

In addition, wherever possible, each image will have its assigned Bates number electronically "burned" onto the image.

- information is stored in a database, or database management system, or proprietary system or application which has is directed to data storage as one of its primary functions, the Producing Party will identify the database and platform to the Requesting Party. The Producing Party shall produce exports and reports about such responsive information stored in such database, where such exports and reports shall be in a reasonably usable form, and information may be produced in CSV format, tab-delimited text format, Microsoft Excel format, or Microsoft Access format. If there are future disputes over the production of information from a database, the Parties shall meet and confer in good faith in an attempt to reach any further agreements (if needed) on the data to be produced and the format and scope of the production. The Producing Party will provide reasonable amounts of information about the databases to facilitate that discussion.
- inside a responsive document (including hyperlinked inside emails) within a Producing Party's custody, possession, or control, do not need to be produced in the first instance as part of the same family group as the Document residing at the location to which that hyperlink points. If there are particular hyperlinks identified by the Requesting Party in produced documents, the Requesting Party may submit a list of hyperlinks to a particular Producing Party for potentially relevant documents by identifying the Bates number and URL or link text for each requested link to the Producing Party, and the Producing Party will engage in reasonable efforts to locate the hyperlinked document at that location and either identify it by Bates number or provide any responsive, non-produced, and non-privileged documents. The number of hyperlinks a Requesting Party may identify to a Producing Party shall not be excessive and shall be reasonable, proportional to the needs of the case, and not unduly burdensome.
- **14**) **Embedded Objects.** The Parties agree non-substantive embedded objects, including, but not limited to, logos, icons, emoticons, and footers, may be culled from a document set (but not a document) and need not be produced as separate documents by a

Producing Party (i.e., such embedded objects will be produced within the document itself, rather than as separate documents). Embedded files, except for images (including but not limited to, logos, icons, emoticons), are to be produced as family groups. Embedded files should be assigned Bates numbers that directly follow the Bates numbers on the documents within which they are embedded.

- **15**) **Production of Family Groups and Relationships**. If any member of a family group is produced, all members of that group must also be produced or else logged as privileged, and no such member shall be withheld from production as a duplicate.
- Dynamic Fields. Documents with dynamic fields for file names, dates, and **16**) times will be imaged to show the field code (e.g., "[FILENAME]") where possible, rather than the values for such fields existing at the time the file is processed.
- **17**) **Time Zone**. The time zone used to process a document, including its metadata, shall be disclosed in the TIMEZONE metadata field consistent with Appendix 1, and shall be standardized for each Defendant across productions.

18) Redactions.

- A Producing Party may redact (i) information subject to the attorney client a) privilege or the work product protection (PRIV); (ii) information that cannot be disclosed pursuant to the Stored Communications Act (SCA); (iii) source code subject to separate agreement applicable to production of source code (CODE); (iv) personal identifying information (PII) including phone numbers, personal addresses, personal email addresses, the month and day of birth, driver's license numbers, and other PII agreed to by the Parties (for example, the Parties shall complete their meet and confer on whether or not to redact users' ages and years of birth). In any event, there shall be no redaction of illnesses, injuries, and medical diagnoses. To the extent a document or pleading contains PII, the Parties shall designate such documents at the appropriate Confidentiality level under the Protective Order and shall comply with Fed. R. Civ. P. 5.2 with regard to filings with the Court.
- No redactions for relevance may be made within a produced document or ESI b) item. If, during the course of discovery, the Parties identify other kinds of information that any STIP. & [Proposed] Order Governing the

Party has a reasonable basis for redacting, the Parties will meet and confer on a case-by-case basis regarding that information before such redactions are made. If the Parties cannot agree, they may seek resolution from the Court.

- c) The Producing Party will indicate, on the face of the redaction, the asserted reason(s) for the redaction (PII, SCA, CODE, and/or PRIV) and the REDACTION TYPE metadata field shall indicate that the document contains redactions and the reason(s) for the redaction.
- d) Notwithstanding the foregoing, this provision shall not be read to prohibit redactions permitted under any applicable U.S. law or Protective Order.
- e) Where a responsive document contains both redacted and non-redacted content, the Parties shall produce the non-redacted portions of the document and the OCR text corresponding to the non-redacted portions.
- f) Native Redactions. Spreadsheet files requiring redaction, including without limitation Microsoft Excel files, shall be redacted and produced natively (unless the Parties agree to production in some other format). In addition, a Producing Party may natively redact other files that cannot be properly imaged for redaction.
- g) All images of redacted files shall be processed to show all comments, revision marks, speaker notes, marks made in track changes, or other user-entered data which are visible in a normal view of the document in its native application, unless such material is redacted and marked as redacted in accordance with this section. Where possible, any occurrences of date/time auto-field items, including in headers and footers, will be removed and replaced with the term AUTODATE to prevent the current date from being printed. Email header information (e.g., date and/or subject line) shall not be redacted unless it is independently privileged. The Parties shall honor reasonable requests for the production of particular redacted documents in other formats where the image is not reasonably usable.
- h) Color. Redacted versions of documents that would have been produced in color in their un-redacted form shall be produced in color as detailed herein.

-) **Exception Files**. The Parties will use reasonable efforts to address processing exceptions.
- data that can reasonably be extracted and produced in the formats described herein is identified on a mobile or handheld device, that data shall be produced in accordance with the generic provisions of this protocol. To the extent that responsive data identified on a mobile or handheld device is not susceptible to normal production protocols, the Parties will meet and confer to address the identification, production, and production format of any responsive documents and data contained on any mobile or handheld device.

COVINGTON

BEIJING BOSTON BRUSSELS DUBAI FRANKFURT
JOHANNESBURG LONDON LOS ANGELES NEW YORK
PALO ALTO SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP Salesforce Tower 415 Mission Street, Suite 5400 San Francisco, CA 94105-2533 T +1 415 591 6000

DELIVERED VIA PROCESS SERVER

July 17, 2024

California Mental Health Services Oversight and Accountability Commission 1812 9th Street
Sacramento, CA 95811

Re: People of the State of California v. Meta Platforms, Inc., 4:23-cv-05448

Dear Sir/Madam:

Enclosed please find a subpoena being served upon you in connection with the above-captioned litigation currently pending in the U.S. District Court for the Northern District of California. I represent Defendants Meta Platforms, Inc.; Instagram, LLC, Meta Payments, Inc., Meta Platforms Technologies, LC and Mark Zuckerberg (collectively, the "Meta Defendants") in this matter.

The document subpoena requests the production of specific documents identified in the attached subpoena (see Attachment A to the subpoena), which are requested to be produced by 10 am on August 19, 2024. We are willing to work with you on the time, date, location, method and manner of document production, as well as answer any questions or concerns you may have regarding subpoena compliance. It is sufficient compliance with this subpoena if you electronically transmit a copy of the requested documents to the undersigned. As such, please contact me at kpatchen@cov.com and 415-591-6031, to discuss document production and subpoena compliance, unless you are already represented by counsel in connection with this matter.

The Court is currently considering whether the California Attorney General's Office has control over California Mental Health Services Oversight and Accountability Commission's information for the purposes of discovery in this action. If the Court rules that the California Attorney General's Office has control over California Mental Health Services Oversight and Accountability Commission's information, the California Attorney General has pending discovery requests that seek this agency's documents. By serving this subpoena, Meta does not waive its position in the state agency dispute, nor does Meta in any way waive rights to compel the California Attorney General to produce California Mental Health Services Oversight and Accountability Commission information as part of discovery in this action. However, to avoid further delay in the production of information from California Mental Health Services Oversight and Accountability Commission, Meta is serving the attached subpoena to request the timely production of this information.

Your anticipated time and assistance with this matter is greatly appreciated.

COVINGTON

California Mental Health Services Oversight and Accountability Commission July 17, 2024 Page 2

Best regards,

/s/ E. Kate Patchen

E. Kate Patchen

Enclosed: Subpoena, Attachment A, and Attachment B

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

United States District Court

for the

Northern D	istrict of Camorna
People of the State of California, et al. Plaintiff)
V.) Civil Action No. 4:23-cv-05448
Meta Platforms, Inc., et al.)
Defendant)
	UMENTS, INFORMATION, OR OBJECTS N OF PREMISES IN A CIVIL ACTION
To: California Mental Health Services Oversight and A 1812 9th Street, Sacramento, CA 95811	Accountability Commission
	to whom this subpoena is directed)
naterial: See Attachment A.	
Di	D . IT.
Place: Shook, Hardy & Bacon, Attn: Jennifer Blues Ker 555 Mission Street, Suite 2300 San Francisco, CA 94105	10 a.m. on August 19, 2024
555 Mission Street, Suite 2300 San Francisco, CA 94105 Inspection of Premises: YOU ARE COMMAN other property possessed or controlled by you at the time	.,,
555 Mission Street, Suite 2300 San Francisco, CA 94105 **Inspection of Premises: YOU ARE COMMAN* other property possessed or controlled by you at the time may inspect, measure, survey, photograph, test, or sample Place: The following provisions of Fed. R. Civ. P. 45 a Rule 45(d), relating to your protection as a person subject espond to this subpoena and the potential consequences	10 a.m. on August 19, 2024 NDED to permit entry onto the designated premises, land, or e, date, and location set forth below, so that the requesting party ele the property or any designated object or operation on it. Date and Time: Date attached – Rule 45(c), relating to the place of compliance; ct to a subpoena; and Rule 45(e) and (g), relating to your duty to
555 Mission Street, Suite 2300 San Francisco, CA 94105 **Inspection of Premises: YOU ARE COMMAN* other property possessed or controlled by you at the time may inspect, measure, survey, photograph, test, or sample Place: The following provisions of Fed. R. Civ. P. 45 a Rule 45(d), relating to your protection as a person subject espond to this subpoena and the potential consequences Date: 07/17/2024	10 a.m. on August 19, 2024 NDED to permit entry onto the designated premises, land, or e, date, and location set forth below, so that the requesting party ele the property or any designated object or operation on it. Date and Time: Date attached – Rule 45(c), relating to the place of compliance; ct to a subpoena; and Rule 45(e) and (g), relating to your duty to
555 Mission Street, Suite 2300 San Francisco, CA 94105 **Inspection of Premises: YOU ARE COMMAN** ther property possessed or controlled by you at the time hay inspect, measure, survey, photograph, test, or sample Place: The following provisions of Fed. R. Civ. P. 45 a cule 45(d), relating to your protection as a person subject espond to this subpoena and the potential consequences.	10 a.m. on August 19, 2024 NDED to permit entry onto the designated premises, land, or e, date, and location set forth below, so that the requesting party let the property or any designated object or operation on it. Date and Time: are attached – Rule 45(c), relating to the place of compliance; ct to a subpoena; and Rule 45(e) and (g), relating to your duty to s of not doing so.
555 Mission Street, Suite 2300 San Francisco, CA 94105 **Inspection of Premises: YOU ARE COMMAN* other property possessed or controlled by you at the time may inspect, measure, survey, photograph, test, or sample Place: The following provisions of Fed. R. Civ. P. 45 a Rule 45(d), relating to your protection as a person subject respond to this subpoena and the potential consequences Date:	10 a.m. on August 19, 2024 NDED to permit entry onto the designated premises, land, or e, date, and location set forth below, so that the requesting party ele the property or any designated object or operation on it. Date and Time: Date attached – Rule 45(c), relating to the place of compliance; ct to a subpoena; and Rule 45(e) and (g), relating to your duty to

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 4:23-cv-01615

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

date)	bpoena for (name of individual and title, if a		
☐ I served the su	ubpoena by delivering a copy to the na	med person as follows:	
		on (date) ;	or
☐ I returned the	subpoena unexecuted because:		
		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	enalty of perjury that this information	is true.	
::		Server's signature	
		Printed name and title	

Additional information regarding attempted service, etc.:

Print Save As... Add Attachment Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

DEFINITIONS AND INSTRUCTIONS TO ATTACHMENT A

DEFINITIONS

- 1. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- 2. "Document" or "documents" shall have the broadest meaning ascribed to it by the Federal Rules of Civil Procedure, and includes, without limitation electronically stored information ("ESI") (including, without limitation, electronic databases and the data therein, all electronic messages or communications, electronic word processing documents, electronically stored voicemail, webpages, and social media posts) in accordance with any order in this case governing ESI at the time of production. Different versions of the same documents, including, but not limited to, drafts or documents with handwritten notations or marks not found in the original or on other copies are different documents.
 - 3. "You", "you", "Your" and "your" means the California Mental Health Services

 Oversight and Accountability Commission.
- 4. "Relating" or "related to" means and includes referring to, concerning, referencing, mentioning, associated with, constituting, discussing, containing, embodying, recording, reflecting, identifying, summarizing, incorporating, and/or dealing with or pertaining to in any way.
 - 5. "And" includes "or", and vice versa.
 - 6. The singular form of a word or term includes the plural, and vice versa.
 - 7. The present tense of a verb includes the past tense, and vice versa.
- 8. The use of the article "the" shall not be construed as limiting the scope of any request.

- 9. "Including" means "including without limitation."
- 10. "Any" includes "all", and vice versa.
- 11. The capitalized version of a word or term includes the lower case version of a word or term, and vice versa.
- 12. "Social Media Platforms" or "Platforms" means a digital service that facilitates interactions between two or more distinct but interdependent sets of users, including but not limited to Facebook, Instagram, Snapchat, TikTok, YouTube, Twitter (or "X"), Pinterest, LinkedIn, BeReal, Lapse, Reddit, Threads, VSCO, Goodreads, Quora, Discord, Twitch, and Tumblr.
- 13. "Young Users" means users of Social Platforms who are under 18 years of age when using the Platform(s).

All words, terms, and phrases not specifically defined herein are to be given their normal and customary meaning in the context in which they are used in these Requests.

INSTRUCTIONS

- 1. These Requests are intended to cover any and all documents in your possession, custody, or control, to the extent not privileged. Documents held by any office, department, board, commission, or instrumentality of the California Mental Health Services Oversight and Accountability Commission are within your possession, custody, or control.
- 2. In accordance with ESI Protocol attached hereto as Attachment B, if you object to furnishing any of the documents or information requested by these Requests on the grounds of attorney-client privilege, work product, other privilege, or otherwise then, with respect to each such document:
 - a. state the nature of the privilege claimed;
 - b. state the date of each communication supporting the privilege claim;

- c. identify all participants in the supporting communication;
- d. state the specific grounds on which the objection is based; and
- e. identify the specific request calling for such information;
- 2. If you object to any Request on the grounds that it is vague or ambiguous, state: (i) the portions or terms of such Request that you claim to be vague or ambiguous; and (ii) the interpretation of the Request pursuant to which you provide a response.
- 3. Each request shall be deemed continuing, so as to require supplemental or mandatory responses should you obtain additional responsive information subsequent to your initial responses.
- 4. If you cannot fully respond to a particular Request after exercising due diligence to make inquiry and to secure the necessary information, provide a response to the extent possible, specifying your inability to respond to the remainder and providing whatever information or knowledge you have concerning the portion not responded to.
- 5. Each page of a produced document shall have a legible, unique page identifier ("Bates Number") and confidentiality legend (where applicable) on the face of the image at a location that does not obliterate, conceal, or interfere with any information from the source document. Redactions should be clearly marked or stamped on the page in such a way that it is clear from review that a portion of the image has been redacted.
- 6. All responsive and non-privileged electronic documents shall be produced in the format ordered by the Court in its ESI order.
- 7. All responsive electronic documents shall be produced in a format agreed upon by the parties, to include at least native versions of Excel spreadsheets and presentation files, with a Bates-stamped placeholder image.
- 8. Unless otherwise specified, the time period for these Requests is January 1, 2012 to the date of production of the Documents.

ATTACHMENT A

- 1. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of persons ages 13 to 18.
- 2. Research, investigations, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms, including the importance of Social Media Platforms and the use of Social Media Platforms by Young Users and the potential benefits and harms created by the use of Social Media Platforms.
- 3. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of Young Users, including those related to the effects of:
 - a. Social Media Platforms usage;
 - b. Video games usage;
 - c. Cell phone usage;
 - d. Messaging usage;
 - e. Usage of other electronics apart from usage of Social Media Platforms;
 - f. COVID-19 and/or remote learning;
 - g. Use of drugs or alcohol;
 - h. The opioid and fentanyl epidemic;
 - i. Poverty, homelessness, lack of health insurance, and/or food insecurity;
 - j. Physical health including nutrition, exercise, weight management, sleeping habits, and sexual activity;
 - k. Family trauma or deaths;
 - 1. Academic pressure;
 - m. Violence, including school violence, domestic violence, gun violence, gun control and/or mass shootings;
 - n. Bullying or verbal abuse apart from usage of Social Media Platforms;
 - o. Political polarization;
 - p. Natural disasters;
 - q. Climate change;
 - r. Discrimination and inequity;
 - s. Global warfare and conflict; and
 - t. Any other potential causes of harms to the mental, social, emotional, or behavioral health of Young Users.
- 4. Youth Risk Behavior Surveys conducted by the California Mental Health Services Oversight and Accountability Commission or on its behalf.
- 5. Research, investigations, studies, surveys, reports, evaluations, or analyses related to:
 - a. Features of Social Media Platforms that are psychologically or physically harmful to Young Users;
 - b. Features of Social Media Platforms that promote compulsive, prolonged, or unhealthy use by Young Users;
 - c. The impact of features of Social Media Platforms, including:

- (1) Algorithmic recommendation and sequencing;
- (2) Image filters;
- (3) Use of multiple user accounts;
- (4) Infinite scroll;
- (5) Ephemeral content features;
- (6) Autoplay;
- (7) Quantification and display of likes; or
- (8) Audiovisual and haptic alerts.
- 6. Programs, initiatives, efforts, or actions proposed or taken by the California Mental Health Services Oversight and Accountability Commission to address Young Users' use of Social Media Platforms, including any program, initiative, effort, or action to prevent, limit, encourage, or promote the use of Social Media Platforms by Young Users.
- 7. Policies proposed, recommended, or enacted by the California Mental Health Services Oversight and Accountability Commission regarding screen time and acceptable use of cell phones, computers, tablets, or other electronic devices by Young Users.
- 8. Complaints to the California Mental Health Services Oversight and Accountability Commission by teachers or school districts regarding social media or cell phone use by Young Users and/or the need for acceptable use or other policies to address Young Users' use of social media or cell phones.
- 9. Complaints to the California Mental Health Services Oversight and Accountability Commission by teachers or school districts regarding budget crises from inflation, underfunding, unfunded mandates, and other causes.
- 10. Documents related to state assessments in California, including reports and analyses regarding the history of K-12 state assessment or standardized testing scores, performance by schools and/or school districts, and any other measures of school performance.
- 11. Legislation or policies proposed by, proposed on behalf of, or testified on by the California Mental Health Services Oversight and Accountability Commission, regardless of whether such legislation or policies were enacted, regarding Young Users' use of Social Media Platforms.
- 12. Mental, social, emotional, or behavioral health services provided by the California Mental Health Services Oversight and Accountability Commission to Young Users during the Relevant Period, including:
 - a. Counseling or therapy;
 - b. Psychiatric services;
 - c. Crisis intervention;
 - d. Inpatient short-term and long-term programs;
 - e. Resource centers; and
 - f. Services for Young Users dealing with substance abuse or addiction issues.

- 13. Any and all California Mental Health Services Oversight and Accountability Commission grants to address Young Users' mental health, including information about when, where, why, and how any disbursements were paid, any schedules or plans for future disbursements, policies governing evaluation or approval of such disbursements, records of how the disbursements were used, and all agendas, minutes, notes, or recordings from meetings related to such grant.
- 14. Public or non-public meetings held by the California Mental Health Services Oversight and Accountability Commission related to Social Media Platforms and use of Social Media Platforms by Young Users, including but not limited to, notices, meeting notes, PowerPoint presentations, internal memoranda, summaries, personal notes, or attendee lists.
- 15. Policies, procedures, and practices related to the California Mental Health Services Oversight and Accountability Commission's use of Social Media Platforms, including communication of information or promotion of California Mental Health Services Oversight and Accountability Commission's programs, initiatives, efforts, or actions on Social Media Platforms.
- 16. California Mental Health Services Oversight and Accountability Commission's communications and/or collaboration with any Social Media Platform on any program, initiative or other action related to, or directed at, Young Users.
- 17. California Mental Health Services Oversight and Accountability Commission's communications with any third party related to Young Users and/or Social Media Platforms.
- 18. Budgeted and actual expenditures by the California Mental Health Services Oversight and Accountability Commission during the Relevant Period related to Young Users' use of Social Media Platforms.
- 19. Budgeted and actual expenditures by the California Mental Health Services Oversight and Accountability Commission during the Relevant Period related to treatment of teen mental, social, emotional, or behavioral health issues.
- 20. Policies, procedures, and practices applicable to the California Mental Health Services Oversight and Accountability Commission and California Mental Health Services Oversight and Accountability Commission employees regarding the use of Social Media Platforms, including any changes to these policies during the Relevant Period.
- 21. Studies, programs, initiatives, efforts, or actions proposed or taken by the California Mental Health Services Oversight and Accountability Commission that sought to provide or promote internet access or phones, computers, tablets, or other electronic devices to Young Users.

- 22. California Mental Health Services Oversight and Accountability Commission's budget and actual expenditures during the Relevant Period, including expenditures on:
 - a. Digital advertisements by the California Mental Health Services Oversight and Accountability Commission on Social Media Platforms;
 - b. Digital advertisements by the California Mental Health Services Oversight and Accountability Commission purchased through Social Media Platforms.

ATTACHMENT B

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6	IN THE UNITED STATE	ES DISTRICT COURT
7	FOR THE NORTHERN DIS	TRICT OF CALIFORNIA
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9	IN RE: Social Media Adolescent Addiction/Personal Injury Products Liability	MDL No. 3047 Case No. 4:22-md-03047-YGR
10	Litigation	Honorable Yvonne Gonzalez Rogers
11	This document relates to:	Honorable Peter H. Kang
12	ALL ACTIONS	STIPULATION AND [PROPOSED]
13		ORDER GOVERNING THE PRODUCTION OF
14		ELECTRONICALLY STORED INFORMATION AND HARD COPY
15		DOCUMENTS
16		
17	1. PURPOSE	
18	This Order Governing the Production of El	ectronically Stored Information and Hard Copy
19	Documents ("ESI Order") will govern discovery or	f electronically stored information and any hard
20	copy documents in this Litigation as a supplement	to the Federal Rules of Civil Procedure, this
21	District's Guidelines for the Discovery of Electron	ically Stored Information, and any other
22	applicable orders and rules. "This Litigation" inclu	ides all actions currently in MDL No. 3047, In
23	Re: Social Media Adolescent Addiction/Personal I	njury Products Liability, or hereafter added or
24	transferred to MDL No. 3047, and all actions later	remanded to their respective transferor courts.
25	2. DEFINITIONS	
26	a) "Document" is defined to be synonymo	ous in meaning and equal in scope to the usage
2.7	of this term in Rules 26 and 34 of the F	ederal Rules of Civil Procedure and shall

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include Hard-Copy Documents and ESI.

- b) "Electronically stored information" or "ESI," as used herein has the same meaning as in Federal Rules of Civil Procedure 26 and 34.
- c) "Hard-Copy Document" means Documents existing in paper form at the time of collection.
- d) "Searchable Text" means the native text extracted from an Electronic Document and any Optical Character Recognition text ("OCR text") generated from a Hard-Copy Document or electronic image.

3. COOPERATION

The Parties are aware of the importance the Court places on cooperation and commit to cooperate in good faith throughout this Litigation consistent with this Court's Guidelines for the Discovery of ESI and this Court's Rules of Professional Conduct. The Parties will endeavor to cooperate in good faith and be reasonably transparent in all aspects of the discovery process.

4. LIAISON

The Parties will identify Discovery Liaisons to each other who are and will be knowledgeable about and responsible for discussing their respective ESI. Any Party is free to change their designated Discovery Liaison by providing written notice to the other Parties. Each Party's Discovery Liaison must: (a) be prepared to meet and confer on discovery-related matters and to participate in discovery dispute resolution; (b) be knowledgeable about the Party's discovery efforts; (c) be, or have reasonable access to those who are, familiar with the Party's electronic systems and capabilities in order to explain those systems and answer relevant questions; and (d) be, or have reasonable access to those who are knowledgeable about the technical aspects of discovery, including electronic document storage, organization, and format issues, and relevant information retrieval technology, including search methodology.

5. IDENTIFICATION OF CUSTODIANS AND DATA SOURCES

The parties will disclose information about custodians and custodial and non-custodial data sources likely to possess relevant or responsive information in accordance with Fed. R. Civ. P. 26 and this District's ESI Guidelines. The Parties will participate in Rule 26(f) discussions guided by this District's Checklist for Rule 26(f) Meet and Confer Regarding Electronically

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Stored Information. After responses to Requests for Production under Fed. R. Civ. P. 34 have been served, the parties will meet and confer regarding those custodians and custodial and non-custodial data sources from which Documents and ESI will be collected for search and review for potential production in this litigation. The custodian and data source exchanges will include brief explanations of the rationale for their selections; for example, for custodians, their current job titles and descriptions of their work, and for data sources, location information and description.

6. INACCESSIBLE OR UNUSABLE ESI

If a Producing Party asserts that certain requested ESI is inaccessible or not "reasonably accessible," otherwise unnecessary, or if the Receiving Party asserts that, following production, certain ESI is not reasonably useable, the parties shall meet and confer to discuss resolving such assertions. The parties will exchange sufficient information to enable the parties to confer in good faith. If the parties cannot resolve any such disputes after such a meet and confer has taken place, the issue shall be presented to the Court for resolution.

7. KNOWN RESPONSIVE DOCUMENTS

Documents or ESI identified in a custodial or non-custodial file, or in a discrete folder or collection, that are known to a Producing Party through reasonable investigation to be responsive to a discovery request shall be collected for review without regard to whether the responsive content was located via any search methodology developed in accordance with this Order, and nothing about such review shall prevent the Producing Party from redacting or withholding and logging such documents for applicable privileges.

8. SEARCH METHODOLOGIES

The Parties shall adopt reasonable and proportionate methodologies to identify, search, collect, cull, review, and produce ESI as required under applicable legal standards. The Parties recognize and agree that each Party may use one or more methodologies to identify, search, collect, cull, review, and produce responsive and non-privileged ESI, including the use of keyword search terms and/or the use of technology assisted review ("TAR") as discussed further herein. The Parties further recognize that different data sets may implicate different methodologies to identify, search, collect, cull, review, and produce responsive and non-

privileged ESI. The Parties therefore agree to meet and confer in good faith regarding any potential disputes over their respective ESI productions.

9. HIT REPORTS AND SEARCH TERMS

If a Producing Party uses search terms to identify, search, or cull potentially responsive ESI, the Producing Party shall disclose the search terms to the Requesting Party. The Parties shall meet and confer regarding any disputes over the disclosed search terms. In the event that a Producing Party claims burden with respect to modified and/or additional search terms proposed by a Requesting Party, the Producing Party shall provide a hit report for the terms at issue using industry-standard processing tools, such as NUIX or other similar tools. The Producing Party shall provide a hit report for the document collection where the terms were applied, including the following with respect to each proposed or modified search term in the collection:

- a) The number of documents with hits for that term; and
- b) The number of unique documents, i.e., documents which do not have hits for any other term.

If, after reviewing a hit report from a Producing Party, a Requesting Party so chooses, it may reasonably request a further hit report which includes:

- c) The number of family members, including the documents with hits, of the documents with hits for that term; and
- d) The number of unique family members of the documents with hits for that term.

If the ESI tool for the Producing Party is capable without undue burden of providing the number of family members and unique family members, then the Producing Party shall provide such further hit report. The Parties (including the person most knowledgeable about the capabilities of the Producing Party's ESI tool and the Requesting Party's person most knowledgeable about technical issues from its ESI service provider) shall meet and confer regarding any disputes over whether the Producing Party's ESI tool has the capability or not to provider either number of family members or number of unique family members.

The Parties shall meet and confer to resolve disagreements over the search terms or their application. To the extent the Parties are unable to reach agreement on the application of, or

procedures for, any search or filtering processes, the Parties shall fully comply with the provisions of this Court's Discovery Standing Order regarding the procedure for raising discovery disputes with the Court, including the meet and confer and certification requirements therein.

10. TECHNOLOGY ASSISTED REVIEW (TAR)

A Producing Party may use TAR (technology-assisted review) during the culling and review process of ESI, which may be applied in addition to search terms. If a Producing Party uses TAR to cull, filter out, or exclude documents from that Party's production, that Producing Party shall do the following:

- If a Producing Party chooses to apply both search terms and TAR to a review set, the Producing Party will disclose the search terms to all other Party/Parties.
- Disclose the name of the TAR tool or service used to all other Party/Parties.

11. VALIDATION

Each Producing Party shall take reasonable steps to validate its review process (i.e., using quality control measures to determine whether its production is missing relevant ESI or contains substantial amounts of irrelevant ESI) and make any necessary adjustments or corrections to its process. If, after reviewing a Producing Party's production, a Requesting Party reasonably requests additional information regarding the validation method(s) used by the Producing Party, the Producing Party will disclose the level of end-to-end recall (the percentage of responsive Documents in the collection which were identified as responsive by that Producing Party's methodology). If there remain disputes between the Parties regarding validation, the Parties shall meet and confer to resolve such disputes in good faith, including a reasonable discussion regarding the tool used and the parameters used to obtain or calculate the level of recall.

12. UNSEARCHABLE DOCUMENTS

The Producing Party shall use reasonable efforts to identify and review potentially responsive documents for which text-based search technologies are fundamentally ineffective.

13. SYSTEM FILES

Each Party will use its best efforts to filter out common system files and application executable files using the national software reference library ("NSRL") NIST hash set list. The

Parties also may filter out stand-alone files identified as zero bytes in size. Additional culling of file types based on file header information may be applied to the following, provided these files are not known to be otherwise attached, embedded in, or included with an otherwise responsive document, or are not themselves reasonably known to contain information responsive or contain responsive data or are used to interface with users or interact with or access individual or aggregated user data: Application Package File, Backup Files, Batch Files, Binary Disc Image, C++ File Formats, Cascading Style Sheet, Configuration File, Database File, Dictionary Files, Dynamic Link Library, Event Log Files, Executable Files, Hypertext Cascading Stylesheet, Java Archive Files, JavaScript Files, JavaScript Source Code and Class Files, Macintosh Resource Fork Files, Package Manager Files, Program Files, Program Installers, Python Script Files, Shell Script Files, System or Temporary Files, Thumbnail Cache Files, Troff Files, Truetype Font Files, Windows Cabinet File, Windows Command Files, Windows File Shortcut, Windows Help Files, Windows Metafiles and Enhanced Metafiles, Windows Spool Files, Windows System File.

14. **DEDUPLICATION**

2.1

Each Producing Party shall make reasonable efforts to globally deduplicate exact duplicate Documents within that Producing Party's ESI data set across all custodial and non-custodial sources at the family level using either MD5 hash values or SHA hash values or any other agreed-upon (and disclosed) industry-standard deduplication technology. The Parties shall reach agreement on such other deduplication technology and shall reach agreement on how their deduplication tools shall identify exact duplicates of documents in a manner that is consistent with the disclosed tools and technologies a Producing Party is using. The Parties shall reach agreement on how to identify exact duplicates of emails using industry-standard commercially available software tools or services, which may for example calculate hash values of emails based on concatenated values of agreed-upon email fields and/or hash values of attachments, or which may use any other method the Parties agree upon. Having further met and conferred in keeping with the previous sentence, the Parties shall calculate deduplication hash values for emails on the concatenated values set forth in and in accordance with the documentation specifications of the disclosed deduplication tools to be used in this Litigation (i.e., RelativityOne, Relativity Server,

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and Nuix); however, if Nuix is used, the Producing Party shall select the optional field "Include Bcc" as an additional field to add to the default ones.

The Parties shall not withhold from production near-duplicates without meeting and conferring on this issue.

The names of all custodians who were either identified as custodians for purposes of collection for this matter (or otherwise known by the Producing Party to have been in possession or custody of a document prior to deduplication) will be populated in the ALL CUSTODIANS metadata field for the produced version of a document that has duplicates removed from production. The original file paths (if any exist) of a document prior to deduplication will be populated in the ALL FILE PATHS metadata field of the produced document.

15. EMAIL THREADING

The Parties may use analytics technology to identify email threads and shall produce the unique most inclusive copy and related family members. Where multiple email messages are part of a single chain or "thread," a Party is only required to produce the most inclusive copy of an email message(s) ("Last In Time Email(s)") and need not produce earlier, lesser inclusive email messages or "thread members," provided that the tool or software service being used to perform threading is disclosed. A Producing Party may exclude from production lesser inclusive copies of the most inclusive email message in the thread, where the entire body of each of those lesser inclusive copies is included within the Last in Time Email. The Producing Party will honor reasonable requests to produce lesser inclusive copies of a Last In Time Email or other earlier chains of emails otherwise excluded by email thread suppression.

The Parties shall treat new or different email chains or threads pursuant to further agreement on safeguards or guidelines for defining emails threads which reasonably take into account the capabilities of the email threading/dethreading/hyperthreading tools used by each Defendant (which shall be disclosed to Plaintiffs).

16. SOURCE CODE

The Parties will meet and confer to address the production and/or inspection of source code and entering into a separate order governing the same if needed.

17. PRODUCTION FORMATS

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The Parties agree to produce documents and data in the formats described in **Appendix 1** to this ESI Order. If particular documents or categories of documents identified in response to document requests warrant a different format, the Parties will cooperate to arrange for the mutually acceptable production of such documents. The Parties further agree not to degrade the searchability of documents as part of the document production process.

In addition, the Parties agree that the production and production format of social media and/or user account information is not covered by this agreement and to meet and confer on the production and production format, including metadata, for social media and/or user account information.

18. PHASING

Once the Parties begin propounding discovery requests pursuant to Fed. R. Civ. P. 34, the Parties agree to meet and confer regarding appropriate phasing for the production of ESI.

19. MISCELLANEOUS PROVISIONS

- a) Production of Plaintiffs ESI and Case-Specific Materials. Subject to any further agreement among the Parties or Order of the Court, the Parties shall produce case-specific documents (i.e., documents specific to the claim of a given Plaintiff, produced by Plaintiffs or Defendants) for any Plaintiff in discovery pools or other selections designed to inform bellwether selection, including those selected for a bellwether trial, in accordance with the production format specified herein, provided, however, that the Producing Party may elect to produce such materials in their native format. To the extent production of case-specific documents for any Plaintiff selected for a bellwether trial presents an issue for any Party, the Parties shall reasonably confer, and may present any disputes to the Court or its designee. The Parties shall further agree to confer concerning the production format and associated matters (e.g., hosting platform) for case-specific documents produced in the cases of other Plaintiffs.

 Nothing herein shall limit Defendant's right to seek discovery from any Plaintiff.
- b) Translations Of Produced Materials. The Producing Party has no obligation to

create a translation of the Documents or any portion thereof. For any foreign-language documents responsive to document requests that a Party reasonably knows as the result of a reasonable investigation have been translated into the English language using human translators or through machine translation for its own purposes, except to the extent such translation is protected by attorney-client or work-product privileges, the Producing Party shall produce the translation of the original document with the original. The parties will meet and confer as necessary concerning procedures for using translations at depositions and at trial. In the event the Parties cannot reach agreement, the matter may be submitted to the Court for determination.

- c) Third-Party Documents. A Party that issues a Non-Party subpoena ("Issuing Party") shall include a copy of this Order with the subpoena and state that (1) the subpoenaed Non-Party should produce Documents in response to the subpoena to all Parties; and (2) the Parties to this Litigation have requested that Third Parties produce Documents in accordance with the specifications set forth herein. If the subpoenaed Non-Party produces Documents to the Issuing Party but does not produce those Documents to other Parties, the Issuing Party shall produce such Documents to those other Parties within 14 days of receiving the Documents, except where the Documents are to be used in a deposition, in which case the Issuing Party shall produce such Documents to all other Parties no later than three (3) days prior to the deposition, or as soon as reasonably practicable if such production occurs thereafter. Nothing in this Order is intended or may be interpreted to narrow, expand, or otherwise affect the rights of the Parties or Third Parties to object to a subpoena. If the Non-Party production is not Bates-stamped, the Parties will meet and confer to agree upon a format for designating the documents with a unique Bates Number prefix.
- d) <u>Documents Produced by Parties Presumption of Authenticity</u>. In order to reduce the number of requests for admission, this Order establishes a rebuttable presumption that documents produced by the Parties are authentic, if said documents were either created or authored by the producing Party, or any of its employees, agents, or

contractors, so long as the employees', agents', or contractors' work was performed in connection with a project or assignment sponsored by the producing Party. No further evidence to establish authenticity need be provided. Nothing in this paragraph shall be deemed to waive any other evidentiary objection a party may have, including but not limited to hearsay, foundation/personal knowledge, or relevance.

- e) **Re-productions.** Notwithstanding any provisions to the contrary, re-production of discrete sets of documents from another litigation, arbitration, government inquiry, or other matter may be re-produced in the same manner and form as originally produced in the other matter, provided however that a party will re-produce documents in a different format for good cause shown. This provision does not waive the right of a party to object to any requests for reproduction of production files from another litigation, arbitration, government inquiry, or other matter.
- f) <u>Modification</u>. This ESI Order may be modified by a Stipulated Order of the Parties or by the Court for good cause shown.
- g) Good Faith. The Parties will act in good faith as required by law and use these procedures to identify and reduce the potential for disputes.
- h) <u>Continuing Obligations</u>. The Parties recognize that discovery shall be an iterative and cooperative process. The Parties will continue to meet and confer regarding any issues as reasonably necessary and appropriate. This Order does not address or resolve any objections to the Parties' respective discovery requests.
- i) <u>Reservation of Rights</u>. The Parties agree that any topic not addressed herein is neither a waiver nor acknowledgement of agreement by either Party.
- IT IS SO STIPULATED, through Counsel of Record.

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1	DATED: March 15, 2024	Respectfully submitted,
2		<u>/s/ Lexi J. Hazam</u> LEXI J. HAZAM
3		LEXI J. HAZAM LIEFF CABRASER HEIMANN &
4		BERNSTEIN, LLP
		275 BATTERY STREET, 29 _{TH} FLOOR SAN FRANCISCO, CA 94111-3339
5		Telephone: 415-956-1000
6		lhazam@lchb.com
7		
8		PREVIN WARREN MOTLEY RICE LLC
9		401 9th Street NW Suite 630
10		Washington DC 20004 T: 202-386-9610
		pwarren@motleyrice.com
11		Co-Lead Counsel
12		Co-Lead Counsel
13		CHRISTOPHER A. SEEGER SEEGER WEISS, LLP
14		55 CHALLENGER ROAD, 6TH FLOOR
15		RIDGEFIELD PARK, NJ 07660
		Telephone: 973-639-9100 Facsimile: 973-679-8656
16		cseeger@seegerweiss.com
17		Counsel to Co-Lead Counsel
18		
19		JENNIE LEE ANDERSON ANDRUS ANDERSON, LLP
20		155 MONTGOMERY STREET, SUITE 900
21		SAN FRANCISCO, CA 94104 Telephone: 415-986-1400
		jennie@andrusanderson.com
22		Liaison Counsel
23		MATTHEW BERGMAN
24		GLENN DRAPER
25		SOCIAL MEDIA VICTIMS LAW CENTER 821 SECOND AVENUE, SUITE 2100
26		SEATTLE, WA 98104
27		Telephone: 206-741-4862 matt@socialmediavictims.org
28		glenn@socialmediavictims.org

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1	
1	JAMES J. BILSBORROW WEITZ & LUXENBERG, PC
2	700 BROADWAY
3	NEW YORK, NY 10003
	Telephone: 212-558-5500
4	Facsimile: 212-344-5461 jbilsborrow@weitzlux.com
5	PAIGE BOLDT
6	WATTS GUERRA LLP
6	4 Dominion Drive, Bldg. 3, Suite 100
7	San Antonio, TX 78257 T: 210-448-0500
8	PBoldt@WattsGuerra.com
9	THOMAS D. SADTAGA
9	THOMAS P. CARTMELL WAGSTAFF & CARTMELL LLP
10	4740 Grand Avenue, Suite 300
11	Kansas City, MO 64112
	T: 816-701 1100
12	tcartmell@wcllp.com
13	JAYNE CONROY
14	SIMMONS HANLY CONROY, LLC
	112 MADISON AVE, 7TH FLOOR NEW YORK, NY 10016
15	Telephone: 917-882-5522
16	jconroy@simmonsfirm.com
17	CARRIE GOLDBERG
	C.A. GOLDBERG, PLLC 16 Court St.
18	Brooklyn, NY 11241
19	T: (646) 666-8908
20	carrie@cagoldberglaw.com
20	SIN-TING MARY LIU
21	AYLSTOCK WITKIN KREIS &
22	OVERHOLTZ, PLLC
23	17 EAST MAIN STREET, SUITE 200 PENSACOLA, FL 32502
23	Telephone: 510-698-9566
24	mliu@awkolaw.com
25	ANDRE MURA
26	GIBBS LAW GROUP, LLP
	1111 BROADWAY, SUITE 2100
27	OAKLAND, CA 94607 Telephone: 510-350-9717
28	amm@classlawgroup.com

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1	
2	
3	EMMIE PAULOS
	LEVIN PAPANTONIO RAFFERTY
4	316 SOUTH BAYLEN STREET, SUITE 600 PENSACOLA, FL 32502
5	Telephone: 850-435-7107
6	epaulos@levinlaw.com
	ROLAND TELLIS
7	DAVID FERNANDES
8	BARON & BUDD, P.C.
9	15910 Ventura Boulevard, Suite 1600
9	Encino, CA 91436 Telephone: (818) 839-2333
10	Facsimile: (818) 986-9698
11	rtellis@baronbudd.com
	dfernandes@baronbudd.com
12	ALEXANDRA WALSH
13	WALSH LAW
14	1050 Connecticut Ave, NW, Suite 500
17	Washington D.C. 20036
15	T: 202-780-3014 awalsh@alexwalshlaw.com
16	awaish@aicxwaishiaw.com
17	MICHAEL M. WEINKOWITZ
17	LEVIN SEDRAN & BERMAN, LLP
18	510 WALNUT STREET SUITE 500
19	PHILADELPHIA, PA 19106
1)	Telephone: 215-592-1500
20	mweinkowitz@lfsbalw.com
21	DIANDRA "FU" DEBROSSE ZIMMERMANN
22	DICELLO LEVITT
	505 20th St North
23	Suite 1500 Birmingham, Alabama 35203
24	Telephone: 205.855.5700
	fu@dicellolevitt.com
25	
26	
27	
28	

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1	
1	HILLARY NAPPI HACH & ROSE LLP
2	112 Madison Avenue, 10th Floor
3	New York, New York 10016
3	Tel: 212.213.8311
4	hnappi@hrsclaw.com
5	JAMES MARSH
6	MARSH LAW FIRM PLLC
	31 HUDSON YARDS, 11TH FLOOR NEW YORK, NY 10001-2170
7	Telephone: 212-372-3030
8	jamesmarsh@marshlaw.com
9	Attorneys for Individual Plaintiffs
10	ROB BONTA
11	Attorney General
	State of California
12	_/s/ Megan O'Neill
13	Nick A. Akers (CA SBN 211222)
14	Senior Assistant Attorney General
	Bernard Eskandari (SBN 244395)
15	Supervising Deputy Attorney General Megan O'Neill (CA SBN 343535)
16	Joshua Olszewski-Jubelirer
17	(CA SBN 336428)
17	Marissa Roy (CA SBN 318773)
18	Deputy Attorneys General California Department of Justice
19	Office of the Attorney General
	455 Golden Gate Ave., Suite 11000
20	San Francisco, CA 94102-7004
21	Phone: (415) 510-4400 Fax: (415) 703-5480
22	Bernard.Eskandari@doj.ca.gov
23	Attorneys for Plaintiff the People of the State of
24	California
25	
26	
27	
28	

	C. 625556 : 2:32 2 vri 0.15 40 329 47/GPG PD o Doorcus mic 10 1.6 930 Hillest 1 0073 2145 2244 Pragge 1129 of 1 3039
1	RUSSELL COLEMAN
2	Attorney General
3	Commonwealth of Kentucky
4	/s/ J. Christian Lewis
	J. Christian Lewis (KY Bar No. 87109),
5	Pro hac vice
6	Philip Heleringer (KY Bar No. 96748), Pro hac vice
7	Zachary Richards (KY Bar No. 99209),
7	Pro hac vice app. forthcoming
8	Daniel I. Keiser (KY Bar No. 100264),
0	Pro hac vice
9	Matthew Cocanougher (KY Bar No. 94292),
10	Pro hac vice Assistant Attorneys General
1.1	1024 Capital Center Drive, Suite 200
11	Frankfort, KY 40601
12	CHRISTIAN.LEWIS@KY.GOV
1.2	PHILIP.HELERINGER@KY.GOV
13	ZACH.RICHARDS@KY.GOV
14	DANIEL.KEISER@KY.GOV
1.5	MATTHEW.COCANOUGHER@KY.GOV Phone: (502) 696-5300
15	Fax: (502) 564-2698
16	
17	Attorneys for Plaintiff the Commonwealth of
	Kentucky
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

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1	COVINGTON & BURLING LLP
2	By: /s/ Ashley M. Simonsen
3	Ashley M. Simonsen, SBN 275203
4	COVINGTON & BURLING LLP 1999 Avenue of the Stars
	Los Angeles, CA 90067
5	Telephone: (424) 332-4800
6	Facsimile: + 1 (424) 332-4749 Email: asimonsen@cov.com
7	
	Phyllis A. Jones, pro hac vice
8	Paul W. Schmidt, <i>pro hac vice</i> COVINGTON & BURLING LLP
9	One City Center
10	850 Tenth Street, NW
	Washington, DC 20001-4956
11	Telephone: + 1 (202) 662-6000 Facsimile: + 1 (202) 662-6291
12	Email: pajones@cov.com
13	Attorney for Defendants Meta Platforms, Inc.
1.4	f/k/a Facebook, Inc.; Facebook Holdings,
14	LLC; Facebook Operations, LLC; Facebook
15	Payments, Inc.; Facebook Technologies, LLC;
16	Instagram, LLC; Siculus, Inc.; and Mark Elliot Zuckerberg
17	
1 /	FAEGRE DRINKER LLP
18	By: /s/ Andrea Roberts Pierson Andrea Roberts Pierson, pro hac vice
19	FAEGRE DRINKER LLP
	300 N. Meridian Street, Suite 2500
20	Indianapolis, IN 46204 Telephone: + 1 (317) 237-0300
21	Facsimile: +1 (317) 237-0300
22	Email: andrea.pierson@faegredrinker.com
23	Amy R. Fiterman, pro hac vice
	FAEGRE DRINKER LLP
24	2200 Wells Fargo Center
25	90 South Seventh Street Minneapolis MN 55402
26	Telephone: +1 (612) 766 7768
26	Facsimile: + 1 (612) 766 1600
27	Email: amy.fiterman@faegredrinker.com
28	Geoffrey M. Drake, pro hac vice

KING & SPALDING LLP 1180 Peachtree Street, NE, Suite 1600 Atlanta, GA 30309 Telephone: 14 (044) 572 4726 Email: gdrake@kslaw.com		Casase 4:2:322 va 0:5-0438-47G PG RD o Doucramme 101.6-930 Hillead 0073 2148 2244 Pragge 11371 off 3133 9
1180 Peachtree Street, NE, Suite 1600 Atlanta, GA 30309 Telephone: +1 (404) 572 4726 Email: gdrake@kslaw.com		
1180 Peachtree Street, NE, Suite 1600 Atlanta, GA 30309 Telephone: +1 (404) 572 4726 Email: gdrake@kslaw.com	1	
Atlanta, GA 30309 Tclcphone: +1 (404) 572 4726 Email: gdrake@kslaw.com David P. Mattern, pro hac vice KING & SPALDING LLP 1700 Pennsylvania Avenue, NW, Suite 900 Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4007 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 687-3702 Email: victoria.degtyareva@mto.com Email: victoria.degtyareva@mto.com Email: Ariel. Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Tclcphone: (202) 220-2300 Email: roce, belemile. (202) 220-1100 Facsimile: (202) 220-2300 Email: roce, one	1	
Email: gdrake@kslaw.com	2	·
David P. Mattern, pro hac vice KING & SPALDING LLP 1700 Pennsylvania Avenue, NW, Suite 900 Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 687-3702 Email: rose.chler@mto.com Email: Ariel.Teshuva@mto.com	3	
David P. Mattern, pro hac vice KING & SPALDING LLP 1700 Pennsylvania Avenue, NW, Suite 900 Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com Attorneys for Defendants TikTok Inc. and ByteDance Inc.	4	Email: gdrake@kslaw.com
1700 Pennsylvania Avenue, NW, Suite 900 Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com		· •
Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com	3	
Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavi	6	
## Attorneys for Defendants TikTok Inc. and ByteDance Inc. ### MUNGER, TOLLES & OLSEN LLP ### By: Ss Jonathan H. Blavin Jonathan H. Blavin, SBN 230269 ### MUNGER, TOLLES & OLSON LLP ### Solom Mission Street, 27th Floor San Francisco, CA 94105-3089 ### Telephone: (415) 512-4000 ### Facsimile: (415) 512-4077 ### Email: jonathan.blavin@mto.com ### Rose L. Ehler (SBN 29652) ### Victoria A. Degtyareva (SBN 284199) ### Laura M. Lopez, (SBN 313450) ### Ariel T. Teshuva (SBN 324238) ### MUNGER, TOLLES & OLSON LLP ### 350 South Grand Avenue, 50th Floor ### Los Angeles, CA 90071-3426 ### Telephone: (213) 687-3702 ### Email: rose.ehler@mto.com ### Email: victoria.degtyareva@mto.com ### Email: victoria.degtyareva@mto.com ### Email: victoria.degtyareva@mto.com ### Email: Ariel.Teshuva@mto.com ### Email: Ariel.Teshuva@mto.com ### Email: Ariel.Teshuva@mto.com ### Email: Ariel.Teshuva@mto.com ### Email: Victoria.degtyareva@mto.com ### Email: Ariel.Teshuva@mto.com ### Email: Ariel.Tes	7	
## Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP	Q	Email: dmattern@kslaw.com
MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavin Jonathan H. Blavin SBN 230269 MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4007 Email: jonathan.blavin@mto.com		Attorneys for Defendants TikTok Inc. and
MUNGER, TOLLES & OLSON LLP	9	ByteDance Inc.
Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	10	MUNGER, TOLLES & OLSEN LLP
MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com	11	
13 S60 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com 16	12	·
San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com	12	·
Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com 23 Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	13	· · · · · · · · · · · · · · · · · · ·
Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com 23 Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	14	1 , ,
Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com		
Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	15	Eman. Johanan.biavin@into.com
Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com 23 Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	16	·
Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	17	
MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com		1 ' \
Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	18	· · · · · · · · · · · · · · · · · · ·
Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	19	·
Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	20	
Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	20	
Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	21	Email: rose.ehler@mto.com
Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	22	
Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	23	Email: Ariel. I esnuva@mto.com
601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com		ž v
Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	24	· ·
Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	25	·
Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	26	S ·
Email: lauren.bell@mto.com		1 , ,
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1	Attorneys for Defendant Snap Inc.
2	WILSON SONSINI GOODRICH & ROSATI
3	Professional Corporation
4	<u>By: /s/ Brian M. Willen</u> Brian M. Willen (<i>pro hac vice</i>)
4	WILSON SONSINI GOODRICH & ROSATI
5	1301 Avenue of the Americas, 40th Floor
6	New York, New York 10019 Telephone: (212) 999-5800
7	Facsimile: (212) 999-5899
7	Email: bwillen@wsgr.com
8	Larrana Calla William
9	Lauren Gallo White Samantha A. Machock
10	WILSON SONSINI GOODRICH & ROSATI
10	One Market Plaza, Spear Tower, Suite 3300
11	San Francisco, CA 94105 Telephone: (415) 947-2000
12	Facsimile: (415) 947-2099
1.2	Email: lwhite@wsgr.com
13	Email: smachock@wsgr.com
14	Christopher Chiou
15	WILSON SONSINI GOODRICH & ROSATI
1.6	953 East Third Street, Suite 100
16	Los Angeles, CA 90013 Telephone: (323) 210-2900
17	Facsimile: (866) 974-7329
18	Email: cchiou@wsgr.com
	Attorneys for Defendants VoyTube IIC Goods
19	Attorneys for Defendants YouTube, LLC, Google LLC, and Alphabet Inc.
20	
21	WILLIAMS & CONNOLLY LLP
	By: <u>/s/ Joseph G. Petrosinelli</u> Joseph G. Petrosinelli (<i>pro hac vice</i>)
22	jpetrosinelli@wc.com
23	Ashley W. Hardin (pro hac vice)
24	ahardin@wc.com 680 Maine Avenue, SW
	Washington, DC 20024
25	Telephone.: 202-434-5000
26	Fax: 202-434-5029
27	Attorneys for Defendants YouTube, LLC, Google
	LLC, and Alphabet Inc.
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1	MORGAN, LEWIS & BOCKIUS LLP
2	By: <u>/s/ Stephanie Schuster</u> Stephanie Schuster (<i>pro hac vice</i>)
3	stephanie.schuster@morganlewis.com
	1111 Pennsylvania Avenue NW
4	NW Washington, DC 20004-2541 Tel.: 202.373.6595
5	W 1 D 7 W (CD) (47111)
6	Yardena R. Zwang-Weissman (SBN 247111) yardena.zwang-weissman@morganlewis.com
7	300 South Grand Avenue, 22nd Floor
8	Los Angeles, CA 90071-3132 Tel.: 213.612.7238
9	Brian Ercole (pro hac vice) brian.ercole@morganlewis.com
	600 Brickell Avenue, Suite 1600 Miami, FL 33131-3075
11	Tel.: 305.415.3416
12 13	Attorneys for Defendants YouTube, LLC and
	Google LLC
14	IT IS ORDERED that the foregoing Agreement is approved.
15	$\Theta 0 1110$
16	Dated: March 18, 2024
17	MAGISTRATE JUDGE PETER H. KANG
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APPENDIX 1: PRODUCTION FORMAT

- 1) **Production Components.** Except as otherwise provided below, ESI must be produced in accordance with the following specifications:
 - a) an ASCII delimited data file (.DAT) using standard delimiters;
 - b) an image load file (.OPT) that can be loaded into commercially acceptable production software (e.g. Concordance);
 - c) single page black-and-white TIFF images, or JPEG images when color is specified herein, or native files with single page placeholder TIFF images depending on the applicable production format for each type of file;
 - d) and document level .TXT files for all documents containing extracted full text or OCR text.
 - e) Family relationships between emails and their attachments, embedded files and their source document, and connected hardcopy documents will be maintained in production. Attachments should be consecutively produced with their parent.
 - f) If a particular document warrants a different production format, the Parties will cooperate in good faith to arrange for a mutually acceptable production format.
- 2) Production Media and Access Controls. Productions must be encrypted and produced through secure electronic means, such as secure file sharing methods (e.g. FTP), or on CD, DVD, flash drive or external hard drive ("Production Media"). Each piece of Production Media must identify a production number corresponding to the production volume (e.g. "VOL001"). Each piece of Production Media must also identify: (a) the case caption; (b) the following label: "This media contains material subject to Court Ordered security measures"; (c) the Producing Party's name; (d) the production date; (e) the Bates Number range of the materials contained on the Production Media.

Nothing in this ESI Order will preclude or impair any and all protections provided the Parties by any Protective Order(s) agreed and entered into by the Parties. Parties will use best efforts to avoid the unnecessary copying or transmittal of produced documents. If questions arise, the Parties will meet and confer to ensure security concerns are addressed prior to the exchange of

any documents.

- aproduction solution and selections. Each TIFF in a production must be referenced in the corresponding image load file. The total number of documents referenced in a production's data load file should match the total number of designated document breaks in the image load file(s) in the production. The total number of pages referenced in a production's image load file should match the total number of TIFF files in the production. All images must be assigned a unique Bates number that is sequential within a given document and across the production sets. The Bates Numbers in the image load file must match the corresponding documents' beginning Bates numbers in the data load file. The total number of documents in a production should match the total number of records in the data load file. Load files must not vary in format or structure within a production, or from one production to another except by agreement of the Parties.
- 4) Metadata Fields. Each of the metadata and coding fields set forth below that can be extracted should be produced for each document, except that if the field contains privileged information, that privileged information may be redacted. However, to the extent that metadata does not exist, is not available for any documents produced, this provision shall not be read to require any Party to extract, capture, collect, manually populate, or produce such metadata, with the exception of the following: (a) BEGBATES, (b) ENDBATES, (c) BEGATTACH, (d) ENDATTACH, (e) PRODVOL, (f) ALL CUSTODIANS, (g) CONFIDENTIALITY, (h) REDACTIONS, (i) REDACTION TYPE, (j) HASHVALUE, (k) NATIVEFILEPATH, and (l) TEXTFILEPATH, which should be populated by the Party or the Party's vendor. The Parties will make reasonable efforts to ensure that metadata fields automatically extracted from the documents correspond directly to the information that exists in the original documents.

Field Name	Field Description
BEGBATES	Beginning Bates number for a particular document as stamped on the first production image for that document
ENDBATES	Ending Bates number as stamped on the last

Field Name	Field Description
	production image for a particular document
BEGATTACH	First production Bates number of the first document in a family
ENDATTACH	Last production Bates number of the last document in a family
ATTACHCOUNT	Number of attachments to an e-mail or embedded parent, as generated by commercially available discovery processing tools.
ATTACHNAMES	Names of each individual Attachment, separated by semicolons.
PRODVOL	Production volume
ALLCUSTODIANS	List of all custodians associated with Document, i.e. "Custodian" + "Other Custodian" values delimited by semicolon.
ALLFILEPATHS	All original path(s) to the individual source file(s) when available in the ordinary course of business to and processable by the parties and their ESI vendors of choice. Includes pa up to and including internal path of containers.
CONFIDENTIALITY	Confidentiality designation assigned to the document consistent with the Stipulated Protective Order governing this Litigation
NATIVEFILEPATH	Native File Link (Native Files only)
TEXTFILEPATH	Path to extracted text/OCR file for the document
HASHVALUE	MD5 hash value of the document
DOCUMENT TYPE	Descriptor for the type of document: "Edocument" for electronic documents not attached to e-mails; "E-mail" for all e-mails; "E-attachment" for files that were attachment to e-mails; and "Physical" for hard copy physical documents that have been scanned and converted to an electronic image.
AUTHOR	Any value populated in the Author field of t

Field Name	Field Description
	document properties
DOCDATE	Date the document was created according filesystem information (format: MM/DD/YYYY)
DATELASTMODIFIED	Date when document was last modified according to filesystem information (for MM/DD/YYYY)
LAST MODIFIED BY	Last person who modified (saved) a document, as generated by commercially available discovery processing tools.
TRACK CHANGES	Y if a document with track changes value otherwise N or empty, if available separa from the HASHIDDENDATA flag
COMMENTS	Y if a document with comments, otherwing or empty, if available separately from the HASHIDDENDATA flag
HASHIDDENDATA	Y if a document with hidden content value otherwise N or empty
FILENAME	Filename of an electronic document
TITLE	Any value populated in the Title field of document properties
DOCEXT	File extension of document pulled from t document properties
FROM	The sender of the email
ТО	All recipients that were included on the 'line of the email
CC	All recipients that were included on the 'line of the email
BCC	All recipients that were included on the "BCC" line of the email
DATETIMERECEIVED	Date and time email was received (forma MM/DD/YYYY HH:MM)
DATETIMESENT	Date and time email was sent (format: MM/DD/YYYY HH:MM)

Field Name	Field Description
TIMEZONE	The timezone used to process the document
EMAILSUBJECT	Subject line of email pulled from the document properties
THREADID	If a threading tool is used for emails, the thread id generated by the threading tool.
REDACTION TYPE ¹	General category of redaction reason as agreed to by the parties. For example, PII, SCA, CODE, and/or PRIV. If more than one, separate reasons by semicolons.
REDACTIONS	Y if a document is redacted, otherwise N or empty

- 5) TIFFs. Unless excepted below, single page, black and white, Group IV TIFFs should be provided, at least 300 dots per inch (dpi) for all documents. Each TIFF image must be named according to a unique corresponding Bates number associated with the document. Each image must be branded according to the Bates number and the agreed upon confidentiality designation. Original document orientation should be maintained (i.e., portrait to portrait and landscape to landscape). Where the TIFF image is unreadable or has materially degraded the quality of the original, the Producing Party shall provide a higher quality TIFF image or the native or original file. In addition, the Parties shall take reasonable efforts to process word processing documents (e.g., MS Word) with track changes and/or comments unhidden on the TIFF image.
- 6) Color. Word processing documents containing tracked changes shall be produced in color, as single-page, 300 dpi JPG images with JPG compression and a high quality setting as to not degrade the original image. The Producing Party shall comply with good faith by the Requesting Party to provide replacement color images for documents originally produced in black and white. A Party making such a request shall make the request by individual Bates

¹ The Parties will provide specific information on any privilege(s) asserted in their privilege logs, in an overlay, or the redaction boxes. The "Redaction Reason" field is informational only for redaction type and shall not in any way limit a party's right to assert attorney-client privilege, attorney-work product privilege, and/or any other applicable privilege or protection.

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number(s) and shall limit requests made pursuant to this paragraph to a reasonable number of documents.

- **7**) **Text Files.** A single multi-page text file must be provided for each document, and the filename should match its respective TIFF filename for the first page of that document. Extracted text shall be generated with commercially acceptable technology set to include all comments, revisions, tracked changes, speaker's notes and text from documents with comments or tracked changes, and hidden and very hidden worksheets, slides, columns and rows. When possible, the text of native files should be extracted directly from the native file. Parties will perform optical character recognition ("OCR") on foreign language documents using the appropriate settings for languages reasonably anticipated to be in the production following a meet and confer with the Requesting Party to identify those languages. Text files will not contain the redacted portions of the documents. A commercially acceptable technology for OCR should be used for all scanned, hard copy documents and for documents with redactions other than Excel files and other spreadsheets which shall be redacted in native format. Text extracted from emails should include the following header information where available: (1) the individuals to whom the communication was directed ("To"), (2) the author of the email communication ("From"), (3) who was copied and blind copied on such email ("CC" and "BCC"), (4) the subject line of the email ("RE" or "Subject"), and (5) the date and time of the email. To the extent the text extraction technology the Parties are using can be configured to include the text of any URLs or links, the Parties shall utilize that setting.
- Native files. Spreadsheets (*e.g.* MS Excel), and un-redacted presentations (e.g. Microsoft PowerPoint,) will be produced in native format to the extent that they are produced in this Litigation, audio, video, and multi-media files will be produced in native format. The Parties will meet and confer on the production of other file types, such as proprietary files, etc. Native files will be produced with a link in the NATIVEFILEPATH field, along with extracted text (where extracted text is available) and applicable metadata fields set forth in paragraph 4 above. A Bates numbered TIFF placeholder indicating that the document was provided in native format must accompany every native file. Where redaction makes production of native-format

files other than spreadsheets or presentations infeasible, the Parties will confer to determine a reasonably usable form for the production, but spreadsheets shall presumptively be redacted in native, and presentations presumptively redacted in image form, in these cases without the need for further conferring.

- hardcopy will be scanned to *.tiff image format and produced in accordance with the specifications set forth herein. Hard copy documents that are not text-searchable shall be made searchable by OCR prior to production. In scanning paper documents, distinct documents should not be merged into a single record, and single documents should not be split into multiple records (i.e., paper documents should be logically unitized). In the case of an organized compilation of separate documents (for example, a binder containing several separate documents behind numbered tabs), the document behind each tab should be scanned separately, but the relationship among the documents in the compilation should be reflected in the proper coding of the beginning and ending document and attachment fields. The Parties will make their best efforts to unitize the documents correctly. If relevant documents are maintained in a file, folder, envelope, binder, notebook or similar container used to store documents, all contents therein shall be reviewed for production and privilege. Document pages which have affixed notes, such as Post-it notes, should be imaged with and without the note attached.
- 10) Confidentiality Designation. All images will be stamped with the appropriate confidentiality designations in accordance with the Stipulated Protective Order entered in this Litigation. Each document produced in native format will have its confidentiality designation identified in the filename of the native file and indicated on its corresponding TIFF placeholder.
- 11) Bates Numbering. Bates numbering should be a consistent length across the production, contain no special characters, and be numerically sequential within a given document. If a Bates number or set of Bates numbers is skipped, the skipped number or set of numbers should be noted with a placeholder. Attachments to documents will be assigned Bates numbers that directly follow the Bates numbers on the documents to which they were attached.

In addition, wherever possible, each image will have its assigned Bates number electronically "burned" onto the image.

- information is stored in a database, or database management system, or proprietary system or application which has is directed to data storage as one of its primary functions, the Producing Party will identify the database and platform to the Requesting Party. The Producing Party shall produce exports and reports about such responsive information stored in such database, where such exports and reports shall be in a reasonably usable form, and information may be produced in CSV format, tab-delimited text format, Microsoft Excel format, or Microsoft Access format. If there are future disputes over the production of information from a database, the Parties shall meet and confer in good faith in an attempt to reach any further agreements (if needed) on the data to be produced and the format and scope of the production. The Producing Party will provide reasonable amounts of information about the databases to facilitate that discussion.
- inside a responsive document (including hyperlinked inside emails) within a Producing Party's custody, possession, or control, do not need to be produced in the first instance as part of the same family group as the Document residing at the location to which that hyperlink points. If there are particular hyperlinks identified by the Requesting Party in produced documents, the Requesting Party may submit a list of hyperlinks to a particular Producing Party for potentially relevant documents by identifying the Bates number and URL or link text for each requested link to the Producing Party, and the Producing Party will engage in reasonable efforts to locate the hyperlinked document at that location and either identify it by Bates number or provide any responsive, non-produced, and non-privileged documents. The number of hyperlinks a Requesting Party may identify to a Producing Party shall not be excessive and shall be reasonable, proportional to the needs of the case, and not unduly burdensome.
- **14) Embedded Objects.** The Parties agree non-substantive embedded objects, including, but not limited to, logos, icons, emoticons, and footers, may be culled from a document set (but not a document) and need not be produced as separate documents by a

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Producing Party (i.e., such embedded objects will be produced within the document itself, rather than as separate documents). Embedded files, except for images (including but not limited to, logos, icons, emoticons), are to be produced as family groups. Embedded files should be assigned Bates numbers that directly follow the Bates numbers on the documents within which they are embedded.

- **15**) **Production of Family Groups and Relationships**. If any member of a family group is produced, all members of that group must also be produced or else logged as privileged, and no such member shall be withheld from production as a duplicate.
- Dynamic Fields. Documents with dynamic fields for file names, dates, and **16**) times will be imaged to show the field code (e.g., "[FILENAME]") where possible, rather than the values for such fields existing at the time the file is processed.
- **17**) **Time Zone**. The time zone used to process a document, including its metadata, shall be disclosed in the TIMEZONE metadata field consistent with Appendix 1, and shall be standardized for each Defendant across productions.

18) Redactions.

- A Producing Party may redact (i) information subject to the attorney client a) privilege or the work product protection (PRIV); (ii) information that cannot be disclosed pursuant to the Stored Communications Act (SCA); (iii) source code subject to separate agreement applicable to production of source code (CODE); (iv) personal identifying information (PII) including phone numbers, personal addresses, personal email addresses, the month and day of birth, driver's license numbers, and other PII agreed to by the Parties (for example, the Parties shall complete their meet and confer on whether or not to redact users' ages and years of birth). In any event, there shall be no redaction of illnesses, injuries, and medical diagnoses. To the extent a document or pleading contains PII, the Parties shall designate such documents at the appropriate Confidentiality level under the Protective Order and shall comply with Fed. R. Civ. P. 5.2 with regard to filings with the Court.
- No redactions for relevance may be made within a produced document or ESI b) item. If, during the course of discovery, the Parties identify other kinds of information that any STIP. & [Proposed] Order Governing the

Party has a reasonable basis for redacting, the Parties will meet and confer on a case-by-case basis regarding that information before such redactions are made. If the Parties cannot agree, they may seek resolution from the Court.

- c) The Producing Party will indicate, on the face of the redaction, the asserted reason(s) for the redaction (PII, SCA, CODE, and/or PRIV) and the REDACTION TYPE metadata field shall indicate that the document contains redactions and the reason(s) for the redaction.
- d) Notwithstanding the foregoing, this provision shall not be read to prohibit redactions permitted under any applicable U.S. law or Protective Order.
- e) Where a responsive document contains both redacted and non-redacted content, the Parties shall produce the non-redacted portions of the document and the OCR text corresponding to the non-redacted portions.
- f) Native Redactions. Spreadsheet files requiring redaction, including without limitation Microsoft Excel files, shall be redacted and produced natively (unless the Parties agree to production in some other format). In addition, a Producing Party may natively redact other files that cannot be properly imaged for redaction.
- g) All images of redacted files shall be processed to show all comments, revision marks, speaker notes, marks made in track changes, or other user-entered data which are visible in a normal view of the document in its native application, unless such material is redacted and marked as redacted in accordance with this section. Where possible, any occurrences of date/time auto-field items, including in headers and footers, will be removed and replaced with the term AUTODATE to prevent the current date from being printed. Email header information (e.g., date and/or subject line) shall not be redacted unless it is independently privileged. The Parties shall honor reasonable requests for the production of particular redacted documents in other formats where the image is not reasonably usable.
- h) Color. Redacted versions of documents that would have been produced in color in their un-redacted form shall be produced in color as detailed herein.

) **Exception Files**. The Parties will use reasonable efforts to address processing exceptions.

data that can reasonably be extracted and produced in the formats described herein is identified on a mobile or handheld device, that data shall be produced in accordance with the generic provisions of this protocol. To the extent that responsive data identified on a mobile or handheld device is not susceptible to normal production protocols, the Parties will meet and confer to address the identification, production, and production format of any responsive documents and data contained on any mobile or handheld device.

COVINGTON

BEIJING BOSTON BRUSSELS DUBAI FRANKFURT
JOHANNESBURG LONDON LOS ANGELES NEW YORK
PALO ALTO SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP Salesforce Tower 415 Mission Street, Suite 5400 San Francisco, CA 94105-2533 T +1 415 591 6000

DELIVERED VIA PROCESS SERVER

July 17, 2024

Colorado Behavioral Health Administration Cherry Creek Corporate Center 701 S. Ash Street C140 Denver, CO 80246

Re: People of the State of California v. Meta Platforms, Inc., 4:23-cv-05448

Dear Sir/Madam:

Enclosed please find a subpoena being served upon you in connection with the above-captioned litigation currently pending in the U.S. District Court for the Northern District of California. I represent Defendants Meta Platforms, Inc.; Instagram, LLC, Meta Payments, Inc., Meta Platforms Technologies, LC and Mark Zuckerberg (collectively, the "Meta Defendants") in this matter.

The document subpoena requests the production of specific documents identified in the attached subpoena (see Attachment A to the subpoena), which are requested to be produced by 10 am on August 19, 2024. We are willing to work with you on the time, date, location, method and manner of document production, as well as answer any questions or concerns you may have regarding subpoena compliance. It is sufficient compliance with this subpoena if you electronically transmit a copy of the requested documents to the undersigned. As such, please contact me at kpatchen@cov.com and 415-591-6031, to discuss document production and subpoena compliance, unless you are already represented by counsel in connection with this matter.

The Court is currently considering whether the Colorado Attorney General's Office has control over Colorado Behavioral Health Administration's information for the purposes of discovery in this action. If the Court rules that the Colorado Attorney General's Office has control over the Colorado Behavioral Health Administration's information, the Colorado Attorney General has pending discovery requests that seek this agency's documents. By serving this subpoena, Meta does not waive its position in the state agency dispute, nor does Meta in any way waive rights to compel the Colorado Attorney General to produce Colorado Behavioral Health Administration information as part of discovery in this action. However, to avoid further delay in the production of information from the Colorado Behavioral Health Administration, Meta is serving the attached subpoena to request the timely production of this information.

Your anticipated time and assistance with this matter is greatly appreciated.

COVINGTON

Colorado Behavioral Health Administration July 17, 2024 Page 2

Best regards,

/s/ E. Kate Patchen

E. Kate Patchen

Enclosed: Subpoena, Attachment A, and Attachment B

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

United States District Court

for the

Northern District o	of California
People of the State of California, et al. Plaintiff	Civil Action No. 4:23-cv-05448
SUBPOENA TO PRODUCE DOCUMENT	
OR TO PERMIT INSPECTION OF PI	REMISES IN A CIVIL ACTION
Co: Colorado Behavioral Health Administration Cherry Creek Corporate Center, 701 S. Ash Street C140, (Name of person to whom	, Denver, CO 80246 this subpoena is directed)
Production: YOU ARE COMMANDED to produce at ocuments, electronically stored information, or objects, and to naterial: See Attachment A.	
Place: Shook, Hardy & Bacon, Attn: Jennifer Blues Kenyon	Date and Time:
Place: Shook, Hardy & Bacon, Attn: Jennifer Blues Kenyon 1660 17th Street, Suite 450 Denver, CO 80202	Date and Time: 10 a.m. on August 19, 2024
1660 17th Street, Suite 450 Denver, CO 80202 ☐ Inspection of Premises: YOU ARE COMMANDED to ther property possessed or controlled by you at the time, date,	o permit entry onto the designated premises, land, or and location set forth below, so that the requesting party
1660 17th Street, Suite 450 Denver, CO 80202 ☐ Inspection of Premises: YOU ARE COMMANDED to ther property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, and the property possessed or controlled by you at the time, date, not the property possessed or controlled by you at the time, and the property possessed or controlled by you at the time, and the property possessed or controlled by you at the time, and the property possessed or controlled by you at the time, and the property possessed or controlled by you at the time, and the property possessed or controlled by you at the time, and the property possessed or controlled by the property possessed or controlled by you at the time, and the property possessed or controlled by	o permit entry onto the designated premises, land, or and location set forth below, so that the requesting party
Denver, CO 80202 **Inspection of Premises: YOU ARE COMMANDED to ther property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, nay inspect, n	o permit entry onto the designated premises, land, or and location set forth below, so that the requesting party property or any designated object or operation on it. Date and Time: Ched – Rule 45(c), relating to the place of compliance; subpoena; and Rule 45(e) and (g), relating to your duty to
1660 17th Street, Suite 450 Denver, CO 80202 ☐ Inspection of Premises: YOU ARE COMMANDED to ther property possessed or controlled by you at the time, date, nay inspect, measure, survey, photograph, test, or sample the property. Place: The following provisions of Fed. R. Civ. P. 45 are attactule 45(d), relating to your protection as a person subject to a sepond to this subpoena and the potential consequences of not	o permit entry onto the designated premises, land, or and location set forth below, so that the requesting party property or any designated object or operation on it. Date and Time: Ched – Rule 45(c), relating to the place of compliance; subpoena; and Rule 45(e) and (g), relating to your duty to doing so.
1660 17th Street, Suite 450 Denver, CO 80202 ☐ Inspection of Premises: YOU ARE COMMANDED to ther property possessed or controlled by you at the time, date, hay inspect, measure, survey, photograph, test, or sample the preparate: The following provisions of Fed. R. Civ. P. 45 are attactule 45(d), relating to your protection as a person subject to a sepond to this subpoena and the potential consequences of not that: 07/17/2024	o permit entry onto the designated premises, land, or and location set forth below, so that the requesting party property or any designated object or operation on it. Date and Time: Ched – Rule 45(c), relating to the place of compliance; subpoena; and Rule 45(e) and (g), relating to your duty to

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 4:23-cv-01615

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

date)	ubpoena for (name of individual and title, if an		
☐ I served the s	subpoena by delivering a copy to the nar	med person as follows:	
		on (date) ;	or
☐ I returned the	e subpoena unexecuted because:		
tendered to the		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under	penalty of perjury that this information i	s true.	
::		Server's signature	
		Printed name and title	

Additional information regarding attempted service, etc.:

Print Save As... Add Attachment Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

DEFINITIONS AND INSTRUCTIONS TO ATTACHMENT A

DEFINITIONS

- 1. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- 2. "Document" or "documents" shall have the broadest meaning ascribed to it by the Federal Rules of Civil Procedure, and includes, without limitation electronically stored information ("ESI") (including, without limitation, electronic databases and the data therein, all electronic messages or communications, electronic word processing documents, electronically stored voicemail, webpages, and social media posts) in accordance with any order in this case governing ESI at the time of production. Different versions of the same documents, including, but not limited to, drafts or documents with handwritten notations or marks not found in the original or on other copies are different documents.
 - 3. "You", "you", "Your" and "your" means the Colorado Behavioral Health Administration.
- 4. "Relating" or "related to" means and includes referring to, concerning, referencing, mentioning, associated with, constituting, discussing, containing, embodying, recording, reflecting, identifying, summarizing, incorporating, and/or dealing with or pertaining to in any way.
 - 5. "And" includes "or", and vice versa.
 - 6. The singular form of a word or term includes the plural, and vice versa.
 - 7. The present tense of a verb includes the past tense, and vice versa.
- 8. The use of the article "the" shall not be construed as limiting the scope of any request.

- 9. "Including" means "including without limitation."
- 10. "Any" includes "all", and vice versa.
- 11. The capitalized version of a word or term includes the lower case version of a word or term, and vice versa.
- 12. "Social Media Platforms" or "Platforms" means a digital service that facilitates interactions between two or more distinct but interdependent sets of users, including but not limited to Facebook, Instagram, Snapchat, TikTok, YouTube, Twitter (or "X"), Pinterest, LinkedIn, BeReal, Lapse, Reddit, Threads, VSCO, Goodreads, Quora, Discord, Twitch, and Tumblr.
- 13. "Young Users" means users of Social Platforms who are under 18 years of age when using the Platform(s).

All words, terms, and phrases not specifically defined herein are to be given their normal and customary meaning in the context in which they are used in these Requests.

INSTRUCTIONS

- 1. These Requests are intended to cover any and all documents in your possession, custody, or control, to the extent not privileged. Documents held by any office, department, board, commission, or instrumentality of the Colorado Behavioral Health Administration are within your possession, custody, or control.
- 2. In accordance with ESI Protocol attached hereto as Attachment B, if you object to furnishing any of the documents or information requested by these Requests on the grounds of attorney-client privilege, work product, other privilege, or otherwise then, with respect to each such document:
 - a. state the nature of the privilege claimed;
 - b. state the date of each communication supporting the privilege claim;

- c. identify all participants in the supporting communication;
- d. state the specific grounds on which the objection is based; and
- e. identify the specific request calling for such information;
- 2. If you object to any Request on the grounds that it is vague or ambiguous, state: (i) the portions or terms of such Request that you claim to be vague or ambiguous; and (ii) the interpretation of the Request pursuant to which you provide a response.
- 3. Each request shall be deemed continuing, so as to require supplemental or mandatory responses should you obtain additional responsive information subsequent to your initial responses.
- 4. If you cannot fully respond to a particular Request after exercising due diligence to make inquiry and to secure the necessary information, provide a response to the extent possible, specifying your inability to respond to the remainder and providing whatever information or knowledge you have concerning the portion not responded to.
- 5. Each page of a produced document shall have a legible, unique page identifier ("Bates Number") and confidentiality legend (where applicable) on the face of the image at a location that does not obliterate, conceal, or interfere with any information from the source document. Redactions should be clearly marked or stamped on the page in such a way that it is clear from review that a portion of the image has been redacted.
- 6. All responsive and non-privileged electronic documents shall be produced in the format ordered by the Court in its ESI order.
- 7. All responsive electronic documents shall be produced in a format agreed upon by the parties, to include at least native versions of Excel spreadsheets and presentation files, with a Bates-stamped placeholder image.
- 8. Unless otherwise specified, the time period for these Requests is January 1, 2012 to the date of production of the Documents.

ATTACHMENT A

- 1. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of persons ages 13 to 18.
- 2. Research, investigations, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms, including the importance of Social Media Platforms and the use of Social Media Platforms by Young Users and the potential benefits and harms created by the use of Social Media Platforms.
- 3. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of Young Users, including those related to the effects of:
 - a. Social Media Platforms usage;
 - b. Video games usage;
 - c. Cell phone usage;
 - d. Messaging usage;
 - e. Usage of other electronics apart from usage of Social Media Platforms;
 - f. COVID-19 and/or remote learning;
 - g. Use of drugs or alcohol;
 - h. The opioid and fentanyl epidemic;
 - i. Poverty, homelessness, lack of health insurance, and/or food insecurity;
 - j. Physical health including nutrition, exercise, weight management, sleeping habits, and sexual activity;
 - k. Family trauma or deaths;
 - 1. Academic pressure;
 - m. Violence, including school violence, domestic violence, gun violence, gun control and/or mass shootings;
 - n. Bullying or verbal abuse apart from usage of Social Media Platforms;
 - o. Political polarization;
 - p. Natural disasters;
 - q. Climate change;
 - r. Discrimination and inequity;
 - s. Global warfare and conflict; and
 - t. Any other potential causes of harms to the mental, social, emotional, or behavioral health of Young Users.
- 4. Youth Risk Behavior Surveys conducted by the Colorado Behavioral Health Administration or on its behalf.
- 5. Research, investigations, studies, surveys, reports, evaluations, or analyses related to:
 - a. Features of Social Media Platforms that are psychologically or physically harmful to Young Users;
 - b. Features of Social Media Platforms that promote compulsive, prolonged, or unhealthy use by Young Users;
 - c. The impact of features of Social Media Platforms, including:

- (1) Algorithmic recommendation and sequencing;
- (2) Image filters;
- (3) Use of multiple user accounts;
- (4) Infinite scroll;
- (5) Ephemeral content features;
- (6) Autoplay;
- (7) Quantification and display of likes; or
- (8) Audiovisual and haptic alerts.
- 6. Programs, initiatives, efforts, or actions proposed or taken by the Colorado Behavioral Health Administration to address Young Users' use of Social Media Platforms, including any program, initiative, effort, or action to prevent, limit, encourage, or promote the use of Social Media Platforms by Young Users.
- 7. Policies proposed, recommended, or enacted by the Colorado Behavioral Health Administration regarding screen time and acceptable use of cell phones, computers, tablets, or other electronic devices by Young Users.
- 8. Complaints to the Colorado Behavioral Health Administration by teachers or school districts regarding social media or cell phone use by Young Users and/or the need for acceptable use or other policies to address Young Users' use of social media or cell phones.
- 9. Complaints to the Colorado Behavioral Health Administration by teachers or school districts regarding budget crises from inflation, underfunding, unfunded mandates, and other causes.
- 10. Documents related to state assessments in Colorado, including reports and analyses regarding the history of K-12 state assessment or standardized testing scores, performance by schools and/or school districts, and any other measures of school performance.
- 11. Legislation or policies proposed by, proposed on behalf of, or testified on by the Colorado Behavioral Health Administration, regardless of whether such legislation or policies were enacted, regarding Young Users' use of Social Media Platforms.
- 12. Mental, social, emotional, or behavioral health services provided by the Colorado Behavioral Health Administration to Young Users during the Relevant Period, including:
 - a. Counseling or therapy;
 - b. Psychiatric services;
 - c. Crisis intervention;
 - d. Inpatient short-term and long-term programs;
 - e. Resource centers; and
 - f. Services for Young Users dealing with substance abuse or addiction issues.

- 13. Any and all Colorado Behavioral Health Administration grants to address Young Users' mental health, including information about when, where, why, and how any disbursements were paid, any schedules or plans for future disbursements, policies governing evaluation or approval of such disbursements, records of how the disbursements were used, and all agendas, minutes, notes, or recordings from meetings related to such grant.
- 14. Public or non-public meetings held by the Colorado Behavioral Health Administration related to Social Media Platforms and use of Social Media Platforms by Young Users, including but not limited to, notices, meeting notes, PowerPoint presentations, internal memoranda, summaries, personal notes, or attendee lists.
- 15. Policies, procedures, and practices related to the Colorado Behavioral Health Administration's use of Social Media Platforms, including communication of information or promotion of Colorado Behavioral Health Administration's programs, initiatives, efforts, or actions on Social Media Platforms.
- 16. Colorado Behavioral Health Administration's communications and/or collaboration with any Social Media Platform on any program, initiative or other action related to, or directed at, Young Users.
- 17. Colorado Behavioral Health Administration's communications with any third party related to Young Users and/or Social Media Platforms.
- 18. Budgeted and actual expenditures by the Colorado Behavioral Health Administration during the Relevant Period related to Young Users' use of Social Media Platforms.
- 19. Budgeted and actual expenditures by the Colorado Behavioral Health Administration during the Relevant Period related to treatment of teen mental, social, emotional, or behavioral health issues.
- 20. Policies, procedures, and practices applicable to the Colorado Behavioral Health Administration and Colorado Behavioral Health Administration employees regarding the use of Social Media Platforms, including any changes to these policies during the Relevant Period.
- 21. Studies, programs, initiatives, efforts, or actions proposed or taken by the Colorado Behavioral Health Administration that sought to provide or promote internet access or phones, computers, tablets, or other electronic devices to Young Users.
- 22. Colorado Behavioral Health Administration's budget and actual expenditures during the Relevant Period, including expenditures on:
 - a. Digital advertisements by the Colorado Behavioral Health Administration on Social Media Platforms;
 - b. Digital advertisements by the Colorado Behavioral Health Administration purchased through Social Media Platforms.

ATTACHMENT B

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6	IN THE UNITED STATE	ES DISTRICT COURT
7	FOR THE NORTHERN DIS	TRICT OF CALIFORNIA
8		,
9	IN RE: Social Media Adolescent Addiction/Personal Injury Products Liability	MDL No. 3047 Case No. 4:22-md-03047-YGR
10	Litigation	Honorable Yvonne Gonzalez Rogers
11	This document relates to:	Honorable Peter H. Kang
12	ALL ACTIONS	STIPULATION AND [PROPOSED]
13		ORDER GOVERNING THE PRODUCTION OF
14		ELECTRONICALLY STORED INFORMATION AND HARD COPY
15		DOCUMENTS
16		
17	1. PURPOSE	
18	This Order Governing the Production of El	ectronically Stored Information and Hard Copy
19	Documents ("ESI Order") will govern discovery or	f electronically stored information and any hard
20	copy documents in this Litigation as a supplement	to the Federal Rules of Civil Procedure, this
21	District's Guidelines for the Discovery of Electron	ically Stored Information, and any other
22	applicable orders and rules. "This Litigation" inclu	ides all actions currently in MDL No. 3047, In
23	Re: Social Media Adolescent Addiction/Personal I	njury Products Liability, or hereafter added or
24	transferred to MDL No. 3047, and all actions later	remanded to their respective transferor courts.
25	2. DEFINITIONS	
26	a) "Document" is defined to be synonymo	ous in meaning and equal in scope to the usage
2.7	of this term in Rules 26 and 34 of the F	ederal Rules of Civil Procedure and shall

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include Hard-Copy Documents and ESI.

- b) "Electronically stored information" or "ESI," as used herein has the same meaning as in Federal Rules of Civil Procedure 26 and 34.
- c) "Hard-Copy Document" means Documents existing in paper form at the time of collection.
- d) "Searchable Text" means the native text extracted from an Electronic Document and any Optical Character Recognition text ("OCR text") generated from a Hard-Copy Document or electronic image.

3. COOPERATION

The Parties are aware of the importance the Court places on cooperation and commit to cooperate in good faith throughout this Litigation consistent with this Court's Guidelines for the Discovery of ESI and this Court's Rules of Professional Conduct. The Parties will endeavor to cooperate in good faith and be reasonably transparent in all aspects of the discovery process.

4. LIAISON

The Parties will identify Discovery Liaisons to each other who are and will be knowledgeable about and responsible for discussing their respective ESI. Any Party is free to change their designated Discovery Liaison by providing written notice to the other Parties. Each Party's Discovery Liaison must: (a) be prepared to meet and confer on discovery-related matters and to participate in discovery dispute resolution; (b) be knowledgeable about the Party's discovery efforts; (c) be, or have reasonable access to those who are, familiar with the Party's electronic systems and capabilities in order to explain those systems and answer relevant questions; and (d) be, or have reasonable access to those who are knowledgeable about the technical aspects of discovery, including electronic document storage, organization, and format issues, and relevant information retrieval technology, including search methodology.

5. IDENTIFICATION OF CUSTODIANS AND DATA SOURCES

The parties will disclose information about custodians and custodial and non-custodial data sources likely to possess relevant or responsive information in accordance with Fed. R. Civ. P. 26 and this District's ESI Guidelines. The Parties will participate in Rule 26(f) discussions guided by this District's Checklist for Rule 26(f) Meet and Confer Regarding Electronically

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Stored Information. After responses to Requests for Production under Fed. R. Civ. P. 34 have been served, the parties will meet and confer regarding those custodians and custodial and non-custodial data sources from which Documents and ESI will be collected for search and review for potential production in this litigation. The custodian and data source exchanges will include brief explanations of the rationale for their selections; for example, for custodians, their current job titles and descriptions of their work, and for data sources, location information and description.

6. INACCESSIBLE OR UNUSABLE ESI

If a Producing Party asserts that certain requested ESI is inaccessible or not "reasonably accessible," otherwise unnecessary, or if the Receiving Party asserts that, following production, certain ESI is not reasonably useable, the parties shall meet and confer to discuss resolving such assertions. The parties will exchange sufficient information to enable the parties to confer in good faith. If the parties cannot resolve any such disputes after such a meet and confer has taken place, the issue shall be presented to the Court for resolution.

7. KNOWN RESPONSIVE DOCUMENTS

Documents or ESI identified in a custodial or non-custodial file, or in a discrete folder or collection, that are known to a Producing Party through reasonable investigation to be responsive to a discovery request shall be collected for review without regard to whether the responsive content was located via any search methodology developed in accordance with this Order, and nothing about such review shall prevent the Producing Party from redacting or withholding and logging such documents for applicable privileges.

8. SEARCH METHODOLOGIES

The Parties shall adopt reasonable and proportionate methodologies to identify, search, collect, cull, review, and produce ESI as required under applicable legal standards. The Parties recognize and agree that each Party may use one or more methodologies to identify, search, collect, cull, review, and produce responsive and non-privileged ESI, including the use of keyword search terms and/or the use of technology assisted review ("TAR") as discussed further herein. The Parties further recognize that different data sets may implicate different methodologies to identify, search, collect, cull, review, and produce responsive and non-

privileged ESI. The Parties therefore agree to meet and confer in good faith regarding any potential disputes over their respective ESI productions.

9. HIT REPORTS AND SEARCH TERMS

If a Producing Party uses search terms to identify, search, or cull potentially responsive ESI, the Producing Party shall disclose the search terms to the Requesting Party. The Parties shall meet and confer regarding any disputes over the disclosed search terms. In the event that a Producing Party claims burden with respect to modified and/or additional search terms proposed by a Requesting Party, the Producing Party shall provide a hit report for the terms at issue using industry-standard processing tools, such as NUIX or other similar tools. The Producing Party shall provide a hit report for the document collection where the terms were applied, including the following with respect to each proposed or modified search term in the collection:

- a) The number of documents with hits for that term; and
- b) The number of unique documents, i.e., documents which do not have hits for any other term.

If, after reviewing a hit report from a Producing Party, a Requesting Party so chooses, it may reasonably request a further hit report which includes:

- c) The number of family members, including the documents with hits, of the documents with hits for that term; and
- d) The number of unique family members of the documents with hits for that term.

If the ESI tool for the Producing Party is capable without undue burden of providing the number of family members and unique family members, then the Producing Party shall provide such further hit report. The Parties (including the person most knowledgeable about the capabilities of the Producing Party's ESI tool and the Requesting Party's person most knowledgeable about technical issues from its ESI service provider) shall meet and confer regarding any disputes over whether the Producing Party's ESI tool has the capability or not to provider either number of family members or number of unique family members.

The Parties shall meet and confer to resolve disagreements over the search terms or their application. To the extent the Parties are unable to reach agreement on the application of, or

procedures for, any search or filtering processes, the Parties shall fully comply with the provisions of this Court's Discovery Standing Order regarding the procedure for raising discovery disputes with the Court, including the meet and confer and certification requirements therein.

10. TECHNOLOGY ASSISTED REVIEW (TAR)

A Producing Party may use TAR (technology-assisted review) during the culling and review process of ESI, which may be applied in addition to search terms. If a Producing Party uses TAR to cull, filter out, or exclude documents from that Party's production, that Producing Party shall do the following:

- If a Producing Party chooses to apply both search terms and TAR to a review set, the Producing Party will disclose the search terms to all other Party/Parties.
- Disclose the name of the TAR tool or service used to all other Party/Parties.

11. VALIDATION

Each Producing Party shall take reasonable steps to validate its review process (i.e., using quality control measures to determine whether its production is missing relevant ESI or contains substantial amounts of irrelevant ESI) and make any necessary adjustments or corrections to its process. If, after reviewing a Producing Party's production, a Requesting Party reasonably requests additional information regarding the validation method(s) used by the Producing Party, the Producing Party will disclose the level of end-to-end recall (the percentage of responsive Documents in the collection which were identified as responsive by that Producing Party's methodology). If there remain disputes between the Parties regarding validation, the Parties shall meet and confer to resolve such disputes in good faith, including a reasonable discussion regarding the tool used and the parameters used to obtain or calculate the level of recall.

12. UNSEARCHABLE DOCUMENTS

The Producing Party shall use reasonable efforts to identify and review potentially responsive documents for which text-based search technologies are fundamentally ineffective.

13. SYSTEM FILES

Each Party will use its best efforts to filter out common system files and application executable files using the national software reference library ("NSRL") NIST hash set list. The

Parties also may filter out stand-alone files identified as zero bytes in size. Additional culling of file types based on file header information may be applied to the following, provided these files are not known to be otherwise attached, embedded in, or included with an otherwise responsive document, or are not themselves reasonably known to contain information responsive or contain responsive data or are used to interface with users or interact with or access individual or aggregated user data: Application Package File, Backup Files, Batch Files, Binary Disc Image, C++ File Formats, Cascading Style Sheet, Configuration File, Database File, Dictionary Files, Dynamic Link Library, Event Log Files, Executable Files, Hypertext Cascading Stylesheet, Java Archive Files, JavaScript Files, JavaScript Source Code and Class Files, Macintosh Resource Fork Files, Package Manager Files, Program Files, Program Installers, Python Script Files, Shell Script Files, System or Temporary Files, Thumbnail Cache Files, Troff Files, Truetype Font Files, Windows Cabinet File, Windows Command Files, Windows File Shortcut, Windows Help Files, Windows Metafiles and Enhanced Metafiles, Windows Spool Files, Windows System File.

14. **DEDUPLICATION**

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Each Producing Party shall make reasonable efforts to globally deduplicate exact duplicate Documents within that Producing Party's ESI data set across all custodial and non-custodial sources at the family level using either MD5 hash values or SHA hash values or any other agreed-upon (and disclosed) industry-standard deduplication technology. The Parties shall reach agreement on such other deduplication technology and shall reach agreement on how their deduplication tools shall identify exact duplicates of documents in a manner that is consistent with the disclosed tools and technologies a Producing Party is using. The Parties shall reach agreement on how to identify exact duplicates of emails using industry-standard commercially available software tools or services, which may for example calculate hash values of emails based on concatenated values of agreed-upon email fields and/or hash values of attachments, or which may use any other method the Parties agree upon. Having further met and conferred in keeping with the previous sentence, the Parties shall calculate deduplication hash values for emails on the concatenated values set forth in and in accordance with the documentation specifications of the disclosed deduplication tools to be used in this Litigation (i.e., RelativityOne, Relativity Server,

Bcc" as an additional field to add to the default ones.

3 4 The Parties shall not withhold from production near-duplicates without meeting and

and Nuix); however, if Nuix is used, the Producing Party shall select the optional field "Include

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27 28 conferring on this issue. The names of all custodians who were either identified as custodians for purposes of

collection for this matter (or otherwise known by the Producing Party to have been in possession or custody of a document prior to deduplication) will be populated in the ALL CUSTODIANS metadata field for the produced version of a document that has duplicates removed from production. The original file paths (if any exist) of a document prior to deduplication will be populated in the ALL FILE PATHS metadata field of the produced document.

15. **EMAIL THREADING**

The Parties may use analytics technology to identify email threads and shall produce the unique most inclusive copy and related family members. Where multiple email messages are part of a single chain or "thread," a Party is only required to produce the most inclusive copy of an email message(s) ("Last In Time Email(s)") and need not produce earlier, lesser inclusive email messages or "thread members," provided that the tool or software service being used to perform threading is disclosed. A Producing Party may exclude from production lesser inclusive copies of the most inclusive email message in the thread, where the entire body of each of those lesser inclusive copies is included within the Last in Time Email. The Producing Party will honor reasonable requests to produce lesser inclusive copies of a Last In Time Email or other earlier chains of emails otherwise excluded by email thread suppression.

The Parties shall treat new or different email chains or threads pursuant to further agreement on safeguards or guidelines for defining emails threads which reasonably take into account the capabilities of the email threading/dethreading/hyperthreading tools used by each Defendant (which shall be disclosed to Plaintiffs).

SOURCE CODE 16.

The Parties will meet and confer to address the production and/or inspection of source code and entering into a separate order governing the same if needed.

17. PRODUCTION FORMATS

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The Parties agree to produce documents and data in the formats described in **Appendix 1** to this ESI Order. If particular documents or categories of documents identified in response to document requests warrant a different format, the Parties will cooperate to arrange for the mutually acceptable production of such documents. The Parties further agree not to degrade the searchability of documents as part of the document production process.

In addition, the Parties agree that the production and production format of social media and/or user account information is not covered by this agreement and to meet and confer on the production and production format, including metadata, for social media and/or user account information.

18. PHASING

Once the Parties begin propounding discovery requests pursuant to Fed. R. Civ. P. 34, the Parties agree to meet and confer regarding appropriate phasing for the production of ESI.

19. MISCELLANEOUS PROVISIONS

- a) Production of Plaintiffs ESI and Case-Specific Materials. Subject to any further agreement among the Parties or Order of the Court, the Parties shall produce case-specific documents (i.e., documents specific to the claim of a given Plaintiff, produced by Plaintiffs or Defendants) for any Plaintiff in discovery pools or other selections designed to inform bellwether selection, including those selected for a bellwether trial, in accordance with the production format specified herein, provided, however, that the Producing Party may elect to produce such materials in their native format. To the extent production of case-specific documents for any Plaintiff selected for a bellwether trial presents an issue for any Party, the Parties shall reasonably confer, and may present any disputes to the Court or its designee. The Parties shall further agree to confer concerning the production format and associated matters (e.g., hosting platform) for case-specific documents produced in the cases of other Plaintiffs.

 Nothing herein shall limit Defendant's right to seek discovery from any Plaintiff.
- b) Translations Of Produced Materials. The Producing Party has no obligation to

create a translation of the Documents or any portion thereof. For any foreign-language documents responsive to document requests that a Party reasonably knows as the result of a reasonable investigation have been translated into the English language using human translators or through machine translation for its own purposes, except to the extent such translation is protected by attorney-client or work-product privileges, the Producing Party shall produce the translation of the original document with the original. The parties will meet and confer as necessary concerning procedures for using translations at depositions and at trial. In the event the Parties cannot reach agreement, the matter may be submitted to the Court for determination.

- c) Third-Party Documents. A Party that issues a Non-Party subpoena ("Issuing Party") shall include a copy of this Order with the subpoena and state that (1) the subpoenaed Non-Party should produce Documents in response to the subpoena to all Parties; and (2) the Parties to this Litigation have requested that Third Parties produce Documents in accordance with the specifications set forth herein. If the subpoenaed Non-Party produces Documents to the Issuing Party but does not produce those Documents to other Parties, the Issuing Party shall produce such Documents to those other Parties within 14 days of receiving the Documents, except where the Documents are to be used in a deposition, in which case the Issuing Party shall produce such Documents to all other Parties no later than three (3) days prior to the deposition, or as soon as reasonably practicable if such production occurs thereafter. Nothing in this Order is intended or may be interpreted to narrow, expand, or otherwise affect the rights of the Parties or Third Parties to object to a subpoena. If the Non-Party production is not Bates-stamped, the Parties will meet and confer to agree upon a format for designating the documents with a unique Bates Number prefix.
- d) <u>Documents Produced by Parties Presumption of Authenticity</u>. In order to reduce the number of requests for admission, this Order establishes a rebuttable presumption that documents produced by the Parties are authentic, if said documents were either created or authored by the producing Party, or any of its employees, agents, or

contractors, so long as the employees', agents', or contractors' work was performed in connection with a project or assignment sponsored by the producing Party. No further evidence to establish authenticity need be provided. Nothing in this paragraph shall be deemed to waive any other evidentiary objection a party may have, including but not limited to hearsay, foundation/personal knowledge, or relevance.

- e) **Re-productions.** Notwithstanding any provisions to the contrary, re-production of discrete sets of documents from another litigation, arbitration, government inquiry, or other matter may be re-produced in the same manner and form as originally produced in the other matter, provided however that a party will re-produce documents in a different format for good cause shown. This provision does not waive the right of a party to object to any requests for reproduction of production files from another litigation, arbitration, government inquiry, or other matter.
- f) Modification. This ESI Order may be modified by a Stipulated Order of the Parties or by the Court for good cause shown.
- g) Good Faith. The Parties will act in good faith as required by law and use these procedures to identify and reduce the potential for disputes.
- h) **Continuing Obligations**. The Parties recognize that discovery shall be an iterative and cooperative process. The Parties will continue to meet and confer regarding any issues as reasonably necessary and appropriate. This Order does not address or resolve any objections to the Parties' respective discovery requests.
- i) **Reservation of Rights**. The Parties agree that any topic not addressed herein is neither a waiver nor acknowledgement of agreement by either Party.
- **IT IS SO STIPULATED**, through Counsel of Record.

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1	DATED: March 15, 2024	Respectfully submitted,
2		<u>/s/ Lexi J. Hazam</u> LEXI J. HAZAM
3		LEXI J. HAZAM LIEFF CABRASER HEIMANN &
4		BERNSTEIN, LLP
		275 BATTERY STREET, 29 _{TH} FLOOR SAN FRANCISCO, CA 94111-3339
5		Telephone: 415-956-1000
6		lhazam@lchb.com
7		
8		PREVIN WARREN MOTLEY RICE LLC
9		401 9th Street NW Suite 630
10		Washington DC 20004 T: 202-386-9610
		pwarren@motleyrice.com
11		Co-Lead Counsel
12		
13		CHRISTOPHER A. SEEGER SEEGER WEISS, LLP
14		55 CHALLENGER ROAD, 6TH FLOOR
15		RIDGEFIELD PARK, NJ 07660 Telephone: 973-639-9100
		Facsimile: 973-679-8656
16		cseeger@seegerweiss.com
17		Counsel to Co-Lead Counsel
18		JENNIE I EE ANDERGON
19		JENNIE LEE ANDERSON ANDRUS ANDERSON, LLP
20		155 MONTGOMERY STREET, SUITE 900
21		SAN FRANCISCO, CA 94104 Telephone: 415-986-1400
		jennie@andrusanderson.com
22 23		Liaison Counsel
		MATTHEW BERGMAN
24		GLENN DRAPER SOCIAL MEDIA VICTIMS LAW CENTER
25		821 SECOND AVENUE, SUITE 2100
26		SEATTLE, WA 98104
27		Telephone: 206-741-4862 matt@socialmediavictims.org
28		glenn@socialmediavictims.org

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1	
1	JAMES J. BILSBORROW WEITZ & LUXENBERG, PC
2	700 BROADWAY
3	NEW YORK, NY 10003
	Telephone: 212-558-5500 Facsimile: 212-344-5461
4	jbilsborrow@weitzlux.com
5	PAIGE BOLDT
6	WATTS GUERRA LLP
	4 Dominion Drive, Bldg. 3, Suite 100 San Antonio, TX 78257
7	T: 210-448-0500
8	PBoldt@WattsGuerra.com
9	THOMAS P. CARTMELL
10	WAGSTAFF & CARTMELL LLP
11	4740 Grand Avenue, Suite 300 Kansas City, MO 64112
11	T: 816-701 1100
12	tcartmell@wcllp.com
13	JAYNE CONROY
14	SIMMONS HANLY CONROY, LLC 112 MADISON AVE, 7TH FLOOR
15	NEW YORK, NY 10016
13	Telephone: 917-882-5522
16	jconroy@simmonsfirm.com
17	CARRIE GOLDBERG C.A. GOLDBERG, PLLC
18	16 Court St.
	Brooklyn, NY 11241
19	T: (646) 666-8908 carrie@cagoldberglaw.com
20	
21	SIN-TING MARY LIU AYLSTOCK WITKIN KREIS &
22	OVERHOLTZ, PLLC
23	17 EAST MAIN STREET, SUITE 200 PENSACOLA, FL 32502
	Telephone: 510-698-9566
24	mliu@awkolaw.com
25	ANDRE MURA
26	GIBBS LAW GROUP, LLP 1111 BROADWAY, SUITE 2100
27	OAKLAND, CA 94607 Telephone: 510-350-9717
28	amm@classlawgroup.com

	C 205385 4: 2:32 2 v r 1015 404 28 47 G PG PD o Doortuum te 101.690 Hii leed 10073 2148 2244 Pragge 11639 off 3438 9
1	
2	
3	EMMIE PAULOS
	LEVIN PAPANTONIO RAFFERTY 316 SOUTH BAYLEN STREET, SUITE 600
4	PENSACOLA, FL 32502
5	Telephone: 850-435-7107
6	epaulos@levinlaw.com
7	ROLAND TELLIS
,	DAVID FERNANDES
8	BARON & BUDD, P.C.
9	15910 Ventura Boulevard, Suite 1600 Encino, CA 91436
	Telephone: (818) 839-2333
10	Facsimile: (818) 986-9698
11	rtellis@baronbudd.com
12	dfernandes@baronbudd.com
	ALEXANDRA WALSH
13	WALSH LAW
14	1050 Connecticut Ave, NW, Suite 500
1.5	Washington D.C. 20036 T: 202-780-3014
15	awalsh@alexwalshlaw.com
16	
17	MICHAEL M. WEINKOWITZ
	LEVIN SEDRAN & BERMAN, LLP 510 WALNUT STREET
18	SUITE 500
19	PHILADELPHIA, PA 19106
20	Telephone: 215-592-1500
20	mweinkowitz@lfsbalw.com
21	DIANDRA "FU" DEBROSSE ZIMMERMANN
22	DICELLO LEVITT
	505 20th St North Suite 1500
23	Birmingham, Alabama 35203
24	Telephone: 205.855.5700
25	fu@dicellolevitt.com
26	
27	
28	

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1	1777 1 DYLL DY
1	HILLARY NAPPI HACH & ROSE LLP
2	112 Madison Avenue, 10th Floor
3	New York, New York 10016
	Tel: 212.213.8311
4	hnappi@hrsclaw.com
5	JAMES MARSH
6	MARSH LAW FIRM PLLC
	31 HUDSON YARDS, 11TH FLOOR NEW YORK, NY 10001-2170
7	Telephone: 212-372-3030
8	jamesmarsh@marshlaw.com
9	Attorneys for Individual Plaintiffs
10	ROB BONTA
11	Attorney General
	State of California
12	_/s/ Megan O'Neill
13	Nick A. Akers (CA SBN 211222)
14	Senior Assistant Attorney General
17	Bernard Eskandari (SBN 244395)
15	Supervising Deputy Attorney General Megan O'Neill (CA SBN 343535)
16	Joshua Olszewski-Jubelirer
1.7	(CA SBN 336428)
17	Marissa Roy (CA SBN 318773)
18	Deputy Attorneys General California Department of Justice
19	Office of the Attorney General
	455 Golden Gate Ave., Suite 11000
20	San Francisco, CA 94102-7004
21	Phone: (415) 510-4400 Fax: (415) 703-5480
22	Bernard.Eskandari@doj.ca.gov
23	Attorneys for Plaintiff the People of the State of
24	California
25	
26	
27	
28	

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1	RUSSELL COLEMAN
2	Attorney General
3	Commonwealth of Kentucky
4	/s/ J. Christian Lewis
	J. Christian Lewis (KY Bar No. 87109),
5	Pro hac vice
6	Philip Heleringer (KY Bar No. 96748), Pro hac vice
7	Zachary Richards (KY Bar No. 99209),
7	Pro hac vice app. forthcoming
8	Daniel I. Keiser (KY Bar No. 100264),
0	Pro hac vice
9	Matthew Cocanougher (KY Bar No. 94292),
10	Pro hac vice Assistant Attorneys General
1.1	1024 Capital Center Drive, Suite 200
11	Frankfort, KY 40601
12	CHRISTIAN.LEWIS@KY.GOV
1.2	PHILIP.HELERINGER@KY.GOV
13	ZACH.RICHARDS@KY.GOV
14	DANIEL.KEISER@KY.GOV
1.5	MATTHEW.COCANOUGHER@KY.GOV Phone: (502) 696-5300
15	Fax: (502) 564-2698
16	
17	Attorneys for Plaintiff the Commonwealth of
	Kentucky
18	
19	
20	
21	
22	
23	
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25	
26	
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1	COVINGTON & BURLING LLP
2	Dry /a/Aahlan M. Simongan
	By: /s/ Ashley M. Simonsen Ashley M. Simonsen, SBN 275203
3	COVINGTON & BURLING LLP
4	1999 Avenue of the Stars
5	Los Angeles, CA 90067 Telephone: (424) 332-4800
6	Facsimile: + 1 (424) 332-4749
	Email: asimonsen@cov.com
7	Phyllis A. Jones, pro hac vice
8	Paul W. Schmidt, pro hac vice
9	COVINGTON & BURLING LLP
9	One City Center 850 Tenth Street, NW
10	Washington, DC 20001-4956
11	Telephone: + 1 (202) 662-6000
11	Facsimile: + 1 (202) 662-6291
12	Email: pajones@cov.com
13	Attorney for Defendants Meta Platforms, Inc.
14	f/k/a Facebook, Inc.; Facebook Holdings,
	LLC; Facebook Operations, LLC; Facebook
15	Payments, Inc.; Facebook Technologies, LLC; Instagram, LLC; Siculus, Inc.; and Mark Elliot
16	Zuckerberg
17	FAEGRE DRINKER LLP
18	By: /s/ Andrea Roberts Pierson
10	Andrea Roberts Pierson, pro hac vice
19	FAEGRE DRINKER LLP
20	300 N. Meridian Street, Suite 2500 Indianapolis, IN 46204
	Telephone: +1 (317) 237-0300
21	Facsimile: +1 (317) 237-1000
22	Email: andrea.pierson@faegredrinker.com
23	Amy R. Fiterman, pro hac vice
24	FAEGRE DRINKER LLP 2200 Wells Fargo Center
	90 South Seventh Street
25	Minneapolis MN 55402
26	Telephone: +1 (612) 766 7768
27	Facsimile: + 1 (612) 766 1600 Email: amy.fiterman@faegredrinker.com
	Zinan. amy.morman@iacgreatmker.com
28	Geoffrey M. Drake, pro hac vice

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1	
1	KING & SPALDING LLP 1180 Peachtree Street, NE, Suite 1600
2	Atlanta, GA 30309
3	Telephone: +1 (404) 572 4726
4	Email: gdrake@kslaw.com
	David P. Mattern, pro hac vice
5	KING & SPALDING LLP 1700 Pennsylvania Avenue, NW, Suite 900
6	Washington, D.C. 20006
7	Telephone: +1 (202) 626 2946
8	Email: dmattern@kslaw.com
	Attorneys for Defendants TikTok Inc. and
9	ByteDance Inc.
10	MUNGER, TOLLES & OLSEN LLP
11	By: /s/ Jonathan H. Blavin
12	Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP
12	560 Mission Street, 27th Floor
13	San Francisco, CA 94105-3089
14	Telephone: (415) 512-4000
14	Facsimile: (415) 512-4077
15	Email: jonathan.blavin@mto.com
16	Rose L. Ehler (SBN 29652)
17	Victoria A. Degtyareva (SBN 284199)
17	Laura M. Lopez, (SBN 313450)
18	Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP
19	350 South Grand Avenue, 50th Floor
1)	Los Angeles, CA 90071-3426
20	Telephone: (213) 683-9100
21	Facsimile: (213) 687-3702 Email: rose.ehler@mto.com
	Email: victoria.degtyareva@mto.com
22	Email: Ariel.Teshuva@mto.com
23	Lauren A. Bell (pro hac vice forthcoming)
24	MUNGER, TOLLES & OLSON LLP
25	601 Massachusetts Ave., NW St.,
	Suite 500 E Washington, D.C. 20001, 5360
26	Washington, D.C. 20001-5369 Telephone: (202) 220-1100
27	Facsimile: (202) 220-2300
	Email: lauren.bell@mto.com
28	

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1	
1	Attorneys for Defendant Snap Inc.
2	WILSON SONSINI GOODRICH & ROSATI
3	Professional Corporation
1	<u>By: /s/ Brian M. Willen</u> Brian M. Willen (<i>pro hac vice</i>)
4	WILSON SONSINI GOODRICH & ROSATI
5	1301 Avenue of the Americas, 40th Floor
6	New York, New York 10019 Telephone: (212) 999-5800
7	Facsimile: (212) 999-5899
7	Email: bwillen@wsgr.com
8	Larrana Calla William
9	Lauren Gallo White Samantha A. Machock
10	WILSON SONSINI GOODRICH & ROSATI
10	One Market Plaza, Spear Tower, Suite 3300
11	San Francisco, CA 94105 Telephone: (415) 947-2000
12	Facsimile: (415) 947-2099
1.2	Email: lwhite@wsgr.com
13	Email: smachock@wsgr.com
14	Christopher Chiou
15	WILSON SONSINI GOODRICH & ROSATI
1.0	953 East Third Street, Suite 100
16	Los Angeles, CA 90013 Telephone: (323) 210-2900
17	Facsimile: (866) 974-7329
18	Email: cchiou@wsgr.com
	Attorneys for Defendants VoyTube IIC Goods
19	Attorneys for Defendants YouTube, LLC, Google LLC, and Alphabet Inc.
20	
21	WILLIAMS & CONNOLLY LLP
	By: <u>/s/ Joseph G. Petrosinelli</u> Joseph G. Petrosinelli (<i>pro hac vice</i>)
22	jpetrosinelli@wc.com
23	Ashley W. Hardin (pro hac vice)
24	ahardin@wc.com 680 Maine Avenue, SW
	Washington, DC 20024
25	Telephone.: 202-434-5000
26	Fax: 202-434-5029
27	Attorneys for Defendants YouTube, LLC, Google
	LLC, and Alphabet Inc.
28	

1	MORGAN, LEWIS & BOCKIUS LLP
2	By: <u>/s/ Stephanie Schuster</u> Stephanie Schuster (<i>pro hac vice</i>)
3	stephanie.schuster@morganlewis.com
	1111 Pennsylvania Avenue NW NW Washington, DC 20004-2541
4	Tel.: 202.373.6595
5	Yardena R. Zwang-Weissman (SBN 247111)
6	yardena.zwang-weissman@morganlewis.com
7	300 South Grand Avenue, 22nd Floor Los Angeles, CA 90071-3132
8	Tel.: 213.612.7238
9	Brian Ercole (pro hac vice)
10	<u>brian.ercole@morganlewis.com</u> 600 Brickell Avenue, Suite 1600
11	Miami, FL 33131-3075
12	Tel.: 305.415.3416
13	Attorneys for Defendants YouTube, LLC and Google LLC
14	IT IS ORDERED that the foregoing Agreement is approved.
15	
16	Dated: March 18, 2024
17	Dated: March 18, 2024 MAGISTRATE JUDGE PETER H. KANG
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APPENDIX 1: PRODUCTION FORMAT

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- 1) **Production Components.** Except as otherwise provided below, ESI must be produced in accordance with the following specifications:
 - a) an ASCII delimited data file (.DAT) using standard delimiters;
 - b) an image load file (.OPT) that can be loaded into commercially acceptable production software (e.g. Concordance);
 - c) single page black-and-white TIFF images, or JPEG images when color is specified herein, or native files with single page placeholder TIFF images depending on the applicable production format for each type of file;
 - d) and document level .TXT files for all documents containing extracted full text or OCR text.
 - e) Family relationships between emails and their attachments, embedded files and their source document, and connected hardcopy documents will be maintained in production. Attachments should be consecutively produced with their parent.
 - f) If a particular document warrants a different production format, the Parties will cooperate in good faith to arrange for a mutually acceptable production format.
- 2) Production Media and Access Controls. Productions must be encrypted and produced through secure electronic means, such as secure file sharing methods (e.g. FTP), or on CD, DVD, flash drive or external hard drive ("Production Media"). Each piece of Production Media must identify a production number corresponding to the production volume (e.g. "VOL001"). Each piece of Production Media must also identify: (a) the case caption; (b) the following label: "This media contains material subject to Court Ordered security measures"; (c) the Producing Party's name; (d) the production date; (e) the Bates Number range of the materials contained on the Production Media.

Nothing in this ESI Order will preclude or impair any and all protections provided the Parties by any Protective Order(s) agreed and entered into by the Parties. Parties will use best efforts to avoid the unnecessary copying or transmittal of produced documents. If questions arise, the Parties will meet and confer to ensure security concerns are addressed prior to the exchange of

any documents.

- aproduction sets. The Bates Numbers in the image load file must match the corresponding documents in the image load file should match the image load file must match the corresponding of the production. The total number of pages referenced in a production's image load file should match the total number of pages referenced in a production's image load file should match the total number of TIFF files in the production. All images must be assigned a unique Bates number that is sequential within a given document and across the production sets. The Bates Numbers in the image load file must match the corresponding documents' beginning Bates numbers in the data load file. The total number of documents in a production should match the total number of records in the data load file. Load files must not vary in format or structure within a production, or from one production to another except by agreement of the Parties.
- 4) Metadata Fields. Each of the metadata and coding fields set forth below that can be extracted should be produced for each document, except that if the field contains privileged information, that privileged information may be redacted. However, to the extent that metadata does not exist, is not available for any documents produced, this provision shall not be read to require any Party to extract, capture, collect, manually populate, or produce such metadata, with the exception of the following: (a) BEGBATES, (b) ENDBATES, (c) BEGATTACH, (d) ENDATTACH, (e) PRODVOL, (f) ALL CUSTODIANS, (g) CONFIDENTIALITY, (h) REDACTIONS, (i) REDACTION TYPE, (j) HASHVALUE, (k) NATIVEFILEPATH, and (l) TEXTFILEPATH, which should be populated by the Party or the Party's vendor. The Parties will make reasonable efforts to ensure that metadata fields automatically extracted from the documents correspond directly to the information that exists in the original documents.

Field Name	Field Description
BEGBATES	Beginning Bates number for a particular document as stamped on the first production image for that document
ENDBATES	Ending Bates number as stamped on the last

Field Name	Field Description
	production image for a particular document
BEGATTACH	First production Bates number of the first document in a family
ENDATTACH	Last production Bates number of the last document in a family
ATTACHCOUNT	Number of attachments to an e-mail or embedded parent, as generated by commercially available discovery processing tools.
ATTACHNAMES	Names of each individual Attachment, separated by semicolons.
PRODVOL	Production volume
ALLCUSTODIANS	List of all custodians associated with Document, i.e. "Custodian" + "Other Custodian" values delimited by semicolon.
ALLFILEPATHS	All original path(s) to the individual source file(s) when available in the ordinary course of business to and processable by the parties and their ESI vendors of choice. Includes path up to and including internal path of containers.
CONFIDENTIALITY	Confidentiality designation assigned to the document consistent with the Stipulated Protective Order governing this Litigation
NATIVEFILEPATH	Native File Link (Native Files only)
TEXTFILEPATH	Path to extracted text/OCR file for the document
HASHVALUE	MD5 hash value of the document
DOCUMENT TYPE	Descriptor for the type of document: "E-document" for electronic documents not attached to e-mails; "E-mail" for all e-mails; "E-attachment" for files that were attachments to e-mails; and "Physical" for hard copy physical documents that have been scanned and converted to an electronic image.
AUTHOR	Any value populated in the Author field of the

Field Name	Field Description
	document properties
DOCDATE	Date the document was created according filesystem information (format: MM/DD/YYYY)
DATELASTMODIFIED	Date when document was last modified according to filesystem information (for MM/DD/YYYY)
LAST MODIFIED BY	Last person who modified (saved) a document, as generated by commercially available discovery processing tools.
TRACK CHANGES	Y if a document with track changes value otherwise N or empty, if available separa from the HASHIDDENDATA flag
COMMENTS	Y if a document with comments, otherwing or empty, if available separately from the HASHIDDENDATA flag
HASHIDDENDATA	Y if a document with hidden content value otherwise N or empty
FILENAME	Filename of an electronic document
TITLE	Any value populated in the Title field of document properties
DOCEXT	File extension of document pulled from t document properties
FROM	The sender of the email
ТО	All recipients that were included on the 'line of the email
CC	All recipients that were included on the 'line of the email
BCC	All recipients that were included on the "BCC" line of the email
DATETIMERECEIVED	Date and time email was received (forma MM/DD/YYYY HH:MM)
DATETIMESENT	Date and time email was sent (format: MM/DD/YYYY HH:MM)

Field Name	Field Description
TIMEZONE	The timezone used to process the document
EMAILSUBJECT	Subject line of email pulled from the document properties
THREADID	If a threading tool is used for emails, the thread id generated by the threading tool.
REDACTION TYPE ¹	General category of redaction reason as agreed to by the parties. For example, PII, SCA, CODE, and/or PRIV. If more than one, separate reasons by semicolons.
REDACTIONS	Y if a document is redacted, otherwise N or empty

- 5) TIFFs. Unless excepted below, single page, black and white, Group IV TIFFs should be provided, at least 300 dots per inch (dpi) for all documents. Each TIFF image must be named according to a unique corresponding Bates number associated with the document. Each image must be branded according to the Bates number and the agreed upon confidentiality designation. Original document orientation should be maintained (i.e., portrait to portrait and landscape to landscape). Where the TIFF image is unreadable or has materially degraded the quality of the original, the Producing Party shall provide a higher quality TIFF image or the native or original file. In addition, the Parties shall take reasonable efforts to process word processing documents (e.g., MS Word) with track changes and/or comments unhidden on the TIFF image.
- 6) Color. Word processing documents containing tracked changes shall be produced in color, as single-page, 300 dpi JPG images with JPG compression and a high quality setting as to not degrade the original image. The Producing Party shall comply with good faith by the Requesting Party to provide replacement color images for documents originally produced in black and white. A Party making such a request shall make the request by individual Bates

¹ The Parties will provide specific information on any privilege(s) asserted in their privilege logs, in an overlay, or the redaction boxes. The "Redaction Reason" field is informational only for redaction type and shall not in any way limit a party's right to assert attorney-client privilege, attorney-work product privilege, and/or any other applicable privilege or protection.

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number(s) and shall limit requests made pursuant to this paragraph to a reasonable number of documents.

- **7**) **Text Files.** A single multi-page text file must be provided for each document, and the filename should match its respective TIFF filename for the first page of that document. Extracted text shall be generated with commercially acceptable technology set to include all comments, revisions, tracked changes, speaker's notes and text from documents with comments or tracked changes, and hidden and very hidden worksheets, slides, columns and rows. When possible, the text of native files should be extracted directly from the native file. Parties will perform optical character recognition ("OCR") on foreign language documents using the appropriate settings for languages reasonably anticipated to be in the production following a meet and confer with the Requesting Party to identify those languages. Text files will not contain the redacted portions of the documents. A commercially acceptable technology for OCR should be used for all scanned, hard copy documents and for documents with redactions other than Excel files and other spreadsheets which shall be redacted in native format. Text extracted from emails should include the following header information where available: (1) the individuals to whom the communication was directed ("To"), (2) the author of the email communication ("From"), (3) who was copied and blind copied on such email ("CC" and "BCC"), (4) the subject line of the email ("RE" or "Subject"), and (5) the date and time of the email. To the extent the text extraction technology the Parties are using can be configured to include the text of any URLs or links, the Parties shall utilize that setting.
- Native files. Spreadsheets (*e.g.* MS Excel), and un-redacted presentations (e.g. Microsoft PowerPoint,) will be produced in native format to the extent that they are produced in this Litigation, audio, video, and multi-media files will be produced in native format. The Parties will meet and confer on the production of other file types, such as proprietary files, etc. Native files will be produced with a link in the NATIVEFILEPATH field, along with extracted text (where extracted text is available) and applicable metadata fields set forth in paragraph 4 above. A Bates numbered TIFF placeholder indicating that the document was provided in native format must accompany every native file. Where redaction makes production of native-format

files other than spreadsheets or presentations infeasible, the Parties will confer to determine a reasonably usable form for the production, but spreadsheets shall presumptively be redacted in native, and presentations presumptively redacted in image form, in these cases without the need for further conferring.

- hardcopy will be scanned to *.tiff image format and produced in accordance with the specifications set forth herein. Hard copy documents that are not text-searchable shall be made searchable by OCR prior to production. In scanning paper documents, distinct documents should not be merged into a single record, and single documents should not be split into multiple records (i.e., paper documents should be logically unitized). In the case of an organized compilation of separate documents (for example, a binder containing several separate documents behind numbered tabs), the document behind each tab should be scanned separately, but the relationship among the documents in the compilation should be reflected in the proper coding of the beginning and ending document and attachment fields. The Parties will make their best efforts to unitize the documents correctly. If relevant documents are maintained in a file, folder, envelope, binder, notebook or similar container used to store documents, all contents therein shall be reviewed for production and privilege. Document pages which have affixed notes, such as Post-it notes, should be imaged with and without the note attached.
- **10)** Confidentiality Designation. All images will be stamped with the appropriate confidentiality designations in accordance with the Stipulated Protective Order entered in this Litigation. Each document produced in native format will have its confidentiality designation identified in the filename of the native file and indicated on its corresponding TIFF placeholder.
- 11) Bates Numbering. Bates numbering should be a consistent length across the production, contain no special characters, and be numerically sequential within a given document. If a Bates number or set of Bates numbers is skipped, the skipped number or set of numbers should be noted with a placeholder. Attachments to documents will be assigned Bates numbers that directly follow the Bates numbers on the documents to which they were attached.

In addition, wherever possible, each image will have its assigned Bates number electronically "burned" onto the image.

- information is stored in a database, or database management system, or proprietary system or application which has is directed to data storage as one of its primary functions, the Producing Party will identify the database and platform to the Requesting Party. The Producing Party shall produce exports and reports about such responsive information stored in such database, where such exports and reports shall be in a reasonably usable form, and information may be produced in CSV format, tab-delimited text format, Microsoft Excel format, or Microsoft Access format. If there are future disputes over the production of information from a database, the Parties shall meet and confer in good faith in an attempt to reach any further agreements (if needed) on the data to be produced and the format and scope of the production. The Producing Party will provide reasonable amounts of information about the databases to facilitate that discussion.
- inside a responsive document (including hyperlinked inside emails) within a Producing Party's custody, possession, or control, do not need to be produced in the first instance as part of the same family group as the Document residing at the location to which that hyperlink points. If there are particular hyperlinks identified by the Requesting Party in produced documents, the Requesting Party may submit a list of hyperlinks to a particular Producing Party for potentially relevant documents by identifying the Bates number and URL or link text for each requested link to the Producing Party, and the Producing Party will engage in reasonable efforts to locate the hyperlinked document at that location and either identify it by Bates number or provide any responsive, non-produced, and non-privileged documents. The number of hyperlinks a Requesting Party may identify to a Producing Party shall not be excessive and shall be reasonable, proportional to the needs of the case, and not unduly burdensome.
- **14) Embedded Objects.** The Parties agree non-substantive embedded objects, including, but not limited to, logos, icons, emoticons, and footers, may be culled from a document set (but not a document) and need not be produced as separate documents by a

28

Producing Party (i.e., such embedded objects will be produced within the document itself, rather than as separate documents). Embedded files, except for images (including but not limited to, logos, icons, emoticons), are to be produced as family groups. Embedded files should be assigned Bates numbers that directly follow the Bates numbers on the documents within which they are embedded.

- **15**) **Production of Family Groups and Relationships**. If any member of a family group is produced, all members of that group must also be produced or else logged as privileged, and no such member shall be withheld from production as a duplicate.
- Dynamic Fields. Documents with dynamic fields for file names, dates, and **16**) times will be imaged to show the field code (e.g., "[FILENAME]") where possible, rather than the values for such fields existing at the time the file is processed.
- **17**) **Time Zone**. The time zone used to process a document, including its metadata, shall be disclosed in the TIMEZONE metadata field consistent with Appendix 1, and shall be standardized for each Defendant across productions.

18) Redactions.

- A Producing Party may redact (i) information subject to the attorney client a) privilege or the work product protection (PRIV); (ii) information that cannot be disclosed pursuant to the Stored Communications Act (SCA); (iii) source code subject to separate agreement applicable to production of source code (CODE); (iv) personal identifying information (PII) including phone numbers, personal addresses, personal email addresses, the month and day of birth, driver's license numbers, and other PII agreed to by the Parties (for example, the Parties shall complete their meet and confer on whether or not to redact users' ages and years of birth). In any event, there shall be no redaction of illnesses, injuries, and medical diagnoses. To the extent a document or pleading contains PII, the Parties shall designate such documents at the appropriate Confidentiality level under the Protective Order and shall comply with Fed. R. Civ. P. 5.2 with regard to filings with the Court.
- No redactions for relevance may be made within a produced document or ESI b) item. If, during the course of discovery, the Parties identify other kinds of information that any STIP. & [Proposed] Order Governing the

Party has a reasonable basis for redacting, the Parties will meet and confer on a case-by-case basis regarding that information before such redactions are made. If the Parties cannot agree, they may seek resolution from the Court.

- c) The Producing Party will indicate, on the face of the redaction, the asserted reason(s) for the redaction (PII, SCA, CODE, and/or PRIV) and the REDACTION TYPE metadata field shall indicate that the document contains redactions and the reason(s) for the redaction.
- d) Notwithstanding the foregoing, this provision shall not be read to prohibit redactions permitted under any applicable U.S. law or Protective Order.
- e) Where a responsive document contains both redacted and non-redacted content, the Parties shall produce the non-redacted portions of the document and the OCR text corresponding to the non-redacted portions.
- f) Native Redactions. Spreadsheet files requiring redaction, including without limitation Microsoft Excel files, shall be redacted and produced natively (unless the Parties agree to production in some other format). In addition, a Producing Party may natively redact other files that cannot be properly imaged for redaction.
- g) All images of redacted files shall be processed to show all comments, revision marks, speaker notes, marks made in track changes, or other user-entered data which are visible in a normal view of the document in its native application, unless such material is redacted and marked as redacted in accordance with this section. Where possible, any occurrences of date/time auto-field items, including in headers and footers, will be removed and replaced with the term AUTODATE to prevent the current date from being printed. Email header information (e.g., date and/or subject line) shall not be redacted unless it is independently privileged. The Parties shall honor reasonable requests for the production of particular redacted documents in other formats where the image is not reasonably usable.
- h) Color. Redacted versions of documents that would have been produced in color in their un-redacted form shall be produced in color as detailed herein.

-) **Exception Files**. The Parties will use reasonable efforts to address processing exceptions.
- data that can reasonably be extracted and produced in the formats described herein is identified on a mobile or handheld device, that data shall be produced in accordance with the generic provisions of this protocol. To the extent that responsive data identified on a mobile or handheld device is not susceptible to normal production protocols, the Parties will meet and confer to address the identification, production, and production format of any responsive documents and data contained on any mobile or handheld device.

COVINGTON

BEIJING BOSTON BRUSSELS DUBAI FRANKFURT
JOHANNESBURG LONDON LOS ANGELES NEW YORK
PALO ALTO SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP Salesforce Tower 415 Mission Street, Suite 5400 San Francisco, CA 94105-2533 T +1 415 591 6000

DELIVERED VIA PROCESS SERVER

July 17, 2024

Colorado Department of Education 201 East Colfax Avenue Room 500 Denver, CO 80203

Re: People of the State of California v. Meta Platforms, Inc., 4:23-cv-05448

Dear Sir/Madam:

Enclosed please find a subpoena being served upon you in connection with the above-captioned litigation currently pending in the U.S. District Court for the Northern District of California. I represent Defendants Meta Platforms, Inc.; Instagram, LLC, Meta Payments, Inc., Meta Platforms Technologies, LC and Mark Zuckerberg (collectively, the "Meta Defendants") in this matter.

The document subpoena requests the production of specific documents identified in the attached subpoena (see Attachment A to the subpoena), which are requested to be produced by 10 am on August 19, 2024. We are willing to work with you on the time, date, location, method and manner of document production, as well as answer any questions or concerns you may have regarding subpoena compliance. It is sufficient compliance with this subpoena if you electronically transmit a copy of the requested documents to the undersigned. As such, please contact me at kpatchen@cov.com and 415-591-6031, to discuss document production and subpoena compliance, unless you are already represented by counsel in connection with this matter.

The Court is currently considering whether the Colorado Attorney General's Office has control over Colorado Department of Education's information for the purposes of discovery in this action. If the Court rules that the Colorado Attorney General's Office has control over the Colorado Department of Education's information, the Colorado Attorney General has pending discovery requests that seek this agency's documents. By serving this subpoena, Meta does not waive its position in the state agency dispute, nor does Meta in any way waive rights to compel the Colorado Attorney General to produce Colorado Department of Education information as part of discovery in this action. However, to avoid further delay in the production of information from the Colorado Department of Education, Meta is serving the attached subpoena to request the timely production of this information.

Your anticipated time and assistance with this matter is greatly appreciated.

COVINGTON

Colorado Department of Education July 17, 2024 Page 2

Best regards,

/s/ E. Kate Patchen

E. Kate Patchen

Enclosed: Subpoena, Attachment A, and Attachment B

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of O	California	
People of the State of California, et al.		
Plaintiff)		
v.)	Civil Action No. 4:23-cv-05448	
Meta Platforms, Inc., et al.		
SUBPOENA TO PRODUCE DOCUMENTS OR TO PERMIT INSPECTION OF PRE		
To: Colorado Department of Education		
201 East Colfax Avenue, Room 500, Denver, CO 80203		
(Name of person to whom thi	s subpoena is directed)	
Place: Shook, Hardy & Bacon, Attn: Jennifer Blues Kenyon	Date and Time:	
1660 17th Street, Suite 450		
Denver, CO 80202	10 a.m. on August 19, 2024	
Inspection of Premises: YOU ARE COMMANDED to pother property possessed or controlled by you at the time, date, and may inspect, measure, survey, photograph, test, or sample the property. Place:	d location set forth below, so that the requesting party	
The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date:07/17/2024		
CLERK OF COURT		
	OR	
	/s/ Ashley Simonsen	
Signature of Clerk or Deputy Clerk	Attorney's signature	
The name, address, e-mail address, and telephone number of the a	attorney representing (name of party)	
Meta Platforms, Inc. f/k/a Facebook, Inc.; Instagram, LLC, Meta Payments, Inc. Meta Platforms Technologies, LLC; and Mark Zuckerberg, Ashley Simonsen, Covington & Burling LLP, 1999 Avenue of the Stars, L	who issues or requests this subpoena, are:	

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 4:23-cv-01615

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

date)	bpoena for (name of individual and title, if a			
☐ I served the su	☐ I served the subpoena by delivering a copy to the named person as follows:			
		on (date) ;	or	
☐ I returned the	subpoena unexecuted because:			
		States, or one of its officers or agents, I e, and the mileage allowed by law, in the		
fees are \$	for travel and \$	for services, for a total of \$	0.00	
I declare under p	enalty of perjury that this information	is true.		
»:		Server's signature		
		Printed name and title		
		Server's address		

Additional information regarding attempted service, etc.:

Print Save As... Add Attachment Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

DEFINITIONS AND INSTRUCTIONS TO ATTACHMENT A

DEFINITIONS

- 1. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- 2. "Document" or "documents" shall have the broadest meaning ascribed to it by the Federal Rules of Civil Procedure, and includes, without limitation electronically stored information ("ESI") (including, without limitation, electronic databases and the data therein, all electronic messages or communications, electronic word processing documents, electronically stored voicemail, webpages, and social media posts) in accordance with any order in this case governing ESI at the time of production. Different versions of the same documents, including, but not limited to, drafts or documents with handwritten notations or marks not found in the original or on other copies are different documents.
 - 3. "You", "you", "Your" and "your" means the Colorado Department of Education.
- 4. "Relating" or "related to" means and includes referring to, concerning, referencing, mentioning, associated with, constituting, discussing, containing, embodying, recording, reflecting, identifying, summarizing, incorporating, and/or dealing with or pertaining to in any way.
 - 5. "And" includes "or", and vice versa.
 - 6. The singular form of a word or term includes the plural, and vice versa.
 - 7. The present tense of a verb includes the past tense, and vice versa.
- 8. The use of the article "the" shall not be construed as limiting the scope of any request.
 - 9. "Including" means "including without limitation."

- 10. "Any" includes "all", and vice versa.
- 11. The capitalized version of a word or term includes the lower case version of a word or term, and vice versa.
- 12. "Social Media Platforms" or "Platforms" means a digital service that facilitates interactions between two or more distinct but interdependent sets of users, including but not limited to Facebook, Instagram, Snapchat, TikTok, YouTube, Twitter (or "X"), Pinterest, LinkedIn, BeReal, Lapse, Reddit, Threads, VSCO, Goodreads, Quora, Discord, Twitch, and Tumblr.
- 13. "Young Users" means users of Social Platforms who are under 18 years of age when using the Platform(s).

All words, terms, and phrases not specifically defined herein are to be given their normal and customary meaning in the context in which they are used in these Requests.

INSTRUCTIONS

- 1. These Requests are intended to cover any and all documents in your possession, custody, or control, to the extent not privileged. Documents held by any office, department, board, commission, or instrumentality of the Colorado Department of Education are within your possession, custody, or control.
- 2. In accordance with ESI Protocol attached hereto as Attachment B, if you object to furnishing any of the documents or information requested by these Requests on the grounds of attorney-client privilege, work product, other privilege, or otherwise then, with respect to each such document:
 - a. state the nature of the privilege claimed;
 - b. state the date of each communication supporting the privilege claim;
 - c. identify all participants in the supporting communication;
 - d. state the specific grounds on which the objection is based; and

- e. identify the specific request calling for such information;
- 2. If you object to any Request on the grounds that it is vague or ambiguous, state: (i) the portions or terms of such Request that you claim to be vague or ambiguous; and (ii) the interpretation of the Request pursuant to which you provide a response.
- 3. Each request shall be deemed continuing, so as to require supplemental or mandatory responses should you obtain additional responsive information subsequent to your initial responses.
- 4. If you cannot fully respond to a particular Request after exercising due diligence to make inquiry and to secure the necessary information, provide a response to the extent possible, specifying your inability to respond to the remainder and providing whatever information or knowledge you have concerning the portion not responded to.
- 5. Each page of a produced document shall have a legible, unique page identifier ("Bates Number") and confidentiality legend (where applicable) on the face of the image at a location that does not obliterate, conceal, or interfere with any information from the source document. Redactions should be clearly marked or stamped on the page in such a way that it is clear from review that a portion of the image has been redacted.
- 6. All responsive and non-privileged electronic documents shall be produced in the format ordered by the Court in its ESI order.
- 7. All responsive electronic documents shall be produced in a format agreed upon by the parties, to include at least native versions of Excel spreadsheets and presentation files, with a Bates-stamped placeholder image.
- 8. Unless otherwise specified, the time period for these Requests is January 1, 2012 to the date of production of the Documents.

ATTACHMENT A

- 1. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of persons ages 13 to 18.
- 2. Programs, initiatives, efforts, or actions proposed or taken by the Colorado Department of Education to encourage or promote the use of Social Media Platforms.
- 3. Programs, initiatives, efforts, or actions proposed or taken by the Colorado Department of Education to address Young Users' use of Social Media Platforms, including any program, initiative, effort, or action to prevent, limit, encourage, or promote the use of Social Media Platforms by Young Users.
- 4. Studies, programs, initiatives, efforts, or actions proposed or taken by the Colorado Department of Education that sought to provide or promote internet access or phones, computers, tablets, or other electronic devices to Young Users.
- 5. Policies proposed, recommended, or enacted by the Colorado Department of Education regarding screen time and acceptable use of cell phones, computers, tablets, or other electronic devices by Young Users.
- 6. Complaints to the Colorado Department of Education by teachers regarding social media or cell phone use by Young Users and/or the need for acceptable use or other policies to address Young Users' use of social media or cell phones.
- Complaints to the Colorado Department of Education by teachers or school districts regarding budget crises from inflation, underfunding, unfunded mandates, and other causes.
- 8. Documents related to state assessment in Colorado, including reports and analyses regarding the history of K-12 state assessment or standardized testing scores, performance by schools and/or school districts, and any other measures of school performance.
- 9. Colorado Department of Education's communications and/or collaboration with any Social Media Platform on any program, initiative or other action related to, or directed at, Young Users.
- 10. Colorado Department of Education's communications with any third party related to Young Users and/or Social Media Platforms.
- 11. Policies, procedures, and practices applicable to Colorado Department of Education and Colorado Department of Education employees regarding the use of Social Media Platforms, including any changes to these policies during the Relevant Period.

- 12. Legislation or policies proposed by, proposed on behalf of, or testified on by the Colorado Department of Education, regardless of whether such legislation or policies were enacted, regarding Young Users' use of Social Media Platforms.
- 13. Research, investigations, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms, including the importance of Social Media Platforms and the use of Social Media Platforms by Young Users and the potential benefits and harms created by the use of Social Media Platforms.
- 14. Research, investigations, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms regarding the impact of social media on the mental, social, emotional, or behavioral health of Young Users.
- 15. Research, investigations, studies, surveys, reports, evaluations, or analyses related to:
 - a. Features of Social Media Platforms that are psychologically or physically harmful to Young Users;
 - b. Features of Social Media Platforms that promote compulsive, prolonged, or unhealthy use by Young Users;
 - c. The impact of features of Social Media Platforms, including:
 - (1) Algorithmic recommendation and sequencing;
 - (2) Image filters;
 - (3) Use of multiple user accounts;
 - (4) Infinite scroll;
 - (5) Ephemeral content features;
 - (6) Autoplay;
 - (7) Quantification and display of likes; or
 - (8) Audiovisual and haptic alerts.
- 16. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of Young Users, including those related to the effects of:
 - a. Social Media Platforms usage;
 - b. Video games usage;
 - c. Cell phone usage;
 - d. Messaging usage;
 - e. Usage of other electronics apart from usage of Social Media Platforms;
 - f. COVID-19 and/or remote learning;
 - g. Use of drugs or alcohol;
 - h. The opioid and fentanyl epidemic;
 - i. Poverty, homelessness, lack of health insurance, and/or food insecurity;
 - j. Physical health including nutrition, exercise, weight management, sleeping habits, and sexual activity;
 - k. Family trauma or deaths;
 - 1. Academic pressure;
 - m. Violence, including school violence, domestic violence, gun violence, gun control and/or mass shootings;

- n. Bullying or verbal abuse apart from usage of Social Media Platforms;
- o. Political polarization;
- p. Natural disasters;
- q. Climate change;
- r. Discrimination and inequity;
- s. Global warfare and conflict; and
- t. Any other potential causes of harms to the mental, social, emotional, or behavioral health of Young Users.
- 17. Youth Risk Behavior Surveys conducted by the Colorado Department of Education or on its behalf.
- 18. Public or non-public meetings held by the Colorado Department of Education related to Social Media Platforms and use of Social Media Platforms by Young Users, including notices, meeting notes, PowerPoint presentations, internal memoranda, summaries, personal notes, or attendee lists.
- 19. Mental, social, emotional, or behavioral health services provided by the Colorado Department of Education to Young Users during the Relevant Period.
- 20. Budgeted and actual expenditures by the Colorado Department of Education during the Relevant Period related to Young Users' use of Social Media Platforms.
- 21. Policies, procedures, and practices related to the Colorado Department of Education's use of Social Media Platforms, including communication of information or promotion of Colorado Department of Education programs, initiatives, efforts, or actions on Social Media Platforms.
- 22. Colorado Department of Education's budget and actual expenditures during the Relevant Period, including expenditures on:
 - a. Digital advertisements by the Colorado Department of Education on Social Media Platforms
 - b. Digital advertisements by the Colorado Department of Education purchased through Social Media Platforms.

ATTACHMENT B

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6	IN THE UNITED STATE	ES DISTRICT COURT
7	FOR THE NORTHERN DIS	TRICT OF CALIFORNIA
8		
9	IN RE: Social Media Adolescent Addiction/Personal Injury Products Liability	MDL No. 3047 Case No. 4:22-md-03047-YGR
10	Litigation	Honorable Yvonne Gonzalez Rogers
11	This document relates to:	Honorable Peter H. Kang
12	ALL ACTIONS	STIPULATION AND [PROPOSED]
13		ORDER GOVERNING THE PRODUCTION OF
14		ELECTRONICALLY STORED INFORMATION AND HARD COPY
15		DOCUMENTS
16		
17	1. PURPOSE	
18	This Order Governing the Production of El	ectronically Stored Information and Hard Copy
19	Documents ("ESI Order") will govern discovery of	f electronically stored information and any hard
20	copy documents in this Litigation as a supplement	to the Federal Rules of Civil Procedure, this
21	District's Guidelines for the Discovery of Electron	ically Stored Information, and any other
22	applicable orders and rules. "This Litigation" inclu	ides all actions currently in MDL No. 3047, In
23	Re: Social Media Adolescent Addiction/Personal I	njury Products Liability, or hereafter added or
24	transferred to MDL No. 3047, and all actions later	remanded to their respective transferor courts.
25	2. DEFINITIONS	
26	a) "Document" is defined to be synonymo	ous in meaning and equal in scope to the usage
2.7	of this term in Rules 26 and 34 of the F	ederal Rules of Civil Procedure and shall

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include Hard-Copy Documents and ESI.

- b) "Electronically stored information" or "ESI," as used herein has the same meaning as in Federal Rules of Civil Procedure 26 and 34.
- c) "Hard-Copy Document" means Documents existing in paper form at the time of collection.
- d) "Searchable Text" means the native text extracted from an Electronic Document and any Optical Character Recognition text ("OCR text") generated from a Hard-Copy Document or electronic image.

3. COOPERATION

The Parties are aware of the importance the Court places on cooperation and commit to cooperate in good faith throughout this Litigation consistent with this Court's Guidelines for the Discovery of ESI and this Court's Rules of Professional Conduct. The Parties will endeavor to cooperate in good faith and be reasonably transparent in all aspects of the discovery process.

4. LIAISON

The Parties will identify Discovery Liaisons to each other who are and will be knowledgeable about and responsible for discussing their respective ESI. Any Party is free to change their designated Discovery Liaison by providing written notice to the other Parties. Each Party's Discovery Liaison must: (a) be prepared to meet and confer on discovery-related matters and to participate in discovery dispute resolution; (b) be knowledgeable about the Party's discovery efforts; (c) be, or have reasonable access to those who are, familiar with the Party's electronic systems and capabilities in order to explain those systems and answer relevant questions; and (d) be, or have reasonable access to those who are knowledgeable about the technical aspects of discovery, including electronic document storage, organization, and format issues, and relevant information retrieval technology, including search methodology.

5. IDENTIFICATION OF CUSTODIANS AND DATA SOURCES

The parties will disclose information about custodians and custodial and non-custodial data sources likely to possess relevant or responsive information in accordance with Fed. R. Civ. P. 26 and this District's ESI Guidelines. The Parties will participate in Rule 26(f) discussions guided by this District's Checklist for Rule 26(f) Meet and Confer Regarding Electronically

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been served, the parties will meet and confer regarding those custodians and custodial and non-custodial data sources from which Documents and ESI will be collected for search and review for potential production in this litigation. The custodian and data source exchanges will include brief explanations of the rationale for their selections; for example, for custodians, their current job titles and descriptions of their work, and for data sources, location information and description.

Stored Information. After responses to Requests for Production under Fed. R. Civ. P. 34 have

6. INACCESSIBLE OR UNUSABLE ESI

If a Producing Party asserts that certain requested ESI is inaccessible or not "reasonably accessible," otherwise unnecessary, or if the Receiving Party asserts that, following production, certain ESI is not reasonably useable, the parties shall meet and confer to discuss resolving such assertions. The parties will exchange sufficient information to enable the parties to confer in good faith. If the parties cannot resolve any such disputes after such a meet and confer has taken place, the issue shall be presented to the Court for resolution.

7. KNOWN RESPONSIVE DOCUMENTS

Documents or ESI identified in a custodial or non-custodial file, or in a discrete folder or collection, that are known to a Producing Party through reasonable investigation to be responsive to a discovery request shall be collected for review without regard to whether the responsive content was located via any search methodology developed in accordance with this Order, and nothing about such review shall prevent the Producing Party from redacting or withholding and logging such documents for applicable privileges.

8. SEARCH METHODOLOGIES

The Parties shall adopt reasonable and proportionate methodologies to identify, search, collect, cull, review, and produce ESI as required under applicable legal standards. The Parties recognize and agree that each Party may use one or more methodologies to identify, search, collect, cull, review, and produce responsive and non-privileged ESI, including the use of keyword search terms and/or the use of technology assisted review ("TAR") as discussed further herein. The Parties further recognize that different data sets may implicate different methodologies to identify, search, collect, cull, review, and produce responsive and non-

privileged ESI. The Parties therefore agree to meet and confer in good faith regarding any potential disputes over their respective ESI productions.

9. HIT REPORTS AND SEARCH TERMS

ESI, the Producing Party shall disclose the search terms to the Requesting Party. The Parties shall meet and confer regarding any disputes over the disclosed search terms. In the event that a Producing Party claims burden with respect to modified and/or additional search terms proposed by a Requesting Party, the Producing Party shall provide a hit report for the terms at issue using industry-standard processing tools, such as NUIX or other similar tools. The Producing Party shall provide a hit report for the document collection where the terms were applied, including the following with respect to each proposed or modified search term in the collection:

- a) The number of documents with hits for that term; and
- b) The number of unique documents, i.e., documents which do not have hits for any other term.

If, after reviewing a hit report from a Producing Party, a Requesting Party so chooses, it may reasonably request a further hit report which includes:

- c) The number of family members, including the documents with hits, of the documents with hits for that term; and
- d) The number of unique family members of the documents with hits for that term.

If the ESI tool for the Producing Party is capable without undue burden of providing the number of family members and unique family members, then the Producing Party shall provide such further hit report. The Parties (including the person most knowledgeable about the capabilities of the Producing Party's ESI tool and the Requesting Party's person most knowledgeable about technical issues from its ESI service provider) shall meet and confer regarding any disputes over whether the Producing Party's ESI tool has the capability or not to provider either number of family members or number of unique family members.

The Parties shall meet and confer to resolve disagreements over the search terms or their application. To the extent the Parties are unable to reach agreement on the application of, or

procedures for, any search or filtering processes, the Parties shall fully comply with the provisions of this Court's Discovery Standing Order regarding the procedure for raising discovery disputes with the Court, including the meet and confer and certification requirements therein.

10. TECHNOLOGY ASSISTED REVIEW (TAR)

A Producing Party may use TAR (technology-assisted review) during the culling and review process of ESI, which may be applied in addition to search terms. If a Producing Party uses TAR to cull, filter out, or exclude documents from that Party's production, that Producing Party shall do the following:

- If a Producing Party chooses to apply both search terms and TAR to a review set, the Producing Party will disclose the search terms to all other Party/Parties.
- Disclose the name of the TAR tool or service used to all other Party/Parties.

11. VALIDATION

Each Producing Party shall take reasonable steps to validate its review process (i.e., using quality control measures to determine whether its production is missing relevant ESI or contains substantial amounts of irrelevant ESI) and make any necessary adjustments or corrections to its process. If, after reviewing a Producing Party's production, a Requesting Party reasonably requests additional information regarding the validation method(s) used by the Producing Party, the Producing Party will disclose the level of end-to-end recall (the percentage of responsive Documents in the collection which were identified as responsive by that Producing Party's methodology). If there remain disputes between the Parties regarding validation, the Parties shall meet and confer to resolve such disputes in good faith, including a reasonable discussion regarding the tool used and the parameters used to obtain or calculate the level of recall.

12. UNSEARCHABLE DOCUMENTS

The Producing Party shall use reasonable efforts to identify and review potentially responsive documents for which text-based search technologies are fundamentally ineffective.

13. SYSTEM FILES

Each Party will use its best efforts to filter out common system files and application executable files using the national software reference library ("NSRL") NIST hash set list. The

Parties also may filter out stand-alone files identified as zero bytes in size. Additional culling of file types based on file header information may be applied to the following, provided these files are not known to be otherwise attached, embedded in, or included with an otherwise responsive document, or are not themselves reasonably known to contain information responsive or contain responsive data or are used to interface with users or interact with or access individual or aggregated user data: Application Package File, Backup Files, Batch Files, Binary Disc Image, C++ File Formats, Cascading Style Sheet, Configuration File, Database File, Dictionary Files, Dynamic Link Library, Event Log Files, Executable Files, Hypertext Cascading Stylesheet, Java Archive Files, JavaScript Files, JavaScript Source Code and Class Files, Macintosh Resource Fork Files, Package Manager Files, Program Files, Program Installers, Python Script Files, Shell Script Files, System or Temporary Files, Thumbnail Cache Files, Troff Files, Truetype Font Files, Windows Cabinet File, Windows Command Files, Windows File Shortcut, Windows Help Files, Windows Metafiles and Enhanced Metafiles, Windows Spool Files, Windows System File.

14. **DEDUPLICATION**

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Each Producing Party shall make reasonable efforts to globally deduplicate exact duplicate Documents within that Producing Party's ESI data set across all custodial and non-custodial sources at the family level using either MD5 hash values or SHA hash values or any other agreed-upon (and disclosed) industry-standard deduplication technology. The Parties shall reach agreement on such other deduplication technology and shall reach agreement on how their deduplication tools shall identify exact duplicates of documents in a manner that is consistent with the disclosed tools and technologies a Producing Party is using. The Parties shall reach agreement on how to identify exact duplicates of emails using industry-standard commercially available software tools or services, which may for example calculate hash values of emails based on concatenated values of agreed-upon email fields and/or hash values of attachments, or which may use any other method the Parties agree upon. Having further met and conferred in keeping with the previous sentence, the Parties shall calculate deduplication hash values for emails on the concatenated values set forth in and in accordance with the documentation specifications of the disclosed deduplication tools to be used in this Litigation (i.e., RelativityOne, Relativity Server,

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and Nuix); however, if Nuix is used, the Producing Party shall select the optional field "Include Bcc" as an additional field to add to the default ones.

The Parties shall not withhold from production near-duplicates without meeting and conferring on this issue.

The names of all custodians who were either identified as custodians for purposes of collection for this matter (or otherwise known by the Producing Party to have been in possession or custody of a document prior to deduplication) will be populated in the ALL CUSTODIANS metadata field for the produced version of a document that has duplicates removed from production. The original file paths (if any exist) of a document prior to deduplication will be populated in the ALL FILE PATHS metadata field of the produced document.

15. **EMAIL THREADING**

The Parties may use analytics technology to identify email threads and shall produce the unique most inclusive copy and related family members. Where multiple email messages are part of a single chain or "thread," a Party is only required to produce the most inclusive copy of an email message(s) ("Last In Time Email(s)") and need not produce earlier, lesser inclusive email messages or "thread members," provided that the tool or software service being used to perform threading is disclosed. A Producing Party may exclude from production lesser inclusive copies of the most inclusive email message in the thread, where the entire body of each of those lesser inclusive copies is included within the Last in Time Email. The Producing Party will honor reasonable requests to produce lesser inclusive copies of a Last In Time Email or other earlier chains of emails otherwise excluded by email thread suppression.

The Parties shall treat new or different email chains or threads pursuant to further agreement on safeguards or guidelines for defining emails threads which reasonably take into account the capabilities of the email threading/dethreading/hyperthreading tools used by each Defendant (which shall be disclosed to Plaintiffs).

SOURCE CODE 16.

The Parties will meet and confer to address the production and/or inspection of source code and entering into a separate order governing the same if needed.

17. PRODUCTION FORMATS

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The Parties agree to produce documents and data in the formats described in **Appendix 1** to this ESI Order. If particular documents or categories of documents identified in response to document requests warrant a different format, the Parties will cooperate to arrange for the mutually acceptable production of such documents. The Parties further agree not to degrade the searchability of documents as part of the document production process.

In addition, the Parties agree that the production and production format of social media and/or user account information is not covered by this agreement and to meet and confer on the production and production format, including metadata, for social media and/or user account information.

18. PHASING

Once the Parties begin propounding discovery requests pursuant to Fed. R. Civ. P. 34, the Parties agree to meet and confer regarding appropriate phasing for the production of ESI.

19. MISCELLANEOUS PROVISIONS

- a) Production of Plaintiffs ESI and Case-Specific Materials. Subject to any further agreement among the Parties or Order of the Court, the Parties shall produce case-specific documents (i.e., documents specific to the claim of a given Plaintiff, produced by Plaintiffs or Defendants) for any Plaintiff in discovery pools or other selections designed to inform bellwether selection, including those selected for a bellwether trial, in accordance with the production format specified herein, provided, however, that the Producing Party may elect to produce such materials in their native format. To the extent production of case-specific documents for any Plaintiff selected for a bellwether trial presents an issue for any Party, the Parties shall reasonably confer, and may present any disputes to the Court or its designee. The Parties shall further agree to confer concerning the production format and associated matters (e.g., hosting platform) for case-specific documents produced in the cases of other Plaintiffs.

 Nothing herein shall limit Defendant's right to seek discovery from any Plaintiff.
- b) Translations Of Produced Materials. The Producing Party has no obligation to

create a translation of the Documents or any portion thereof. For any foreign-language documents responsive to document requests that a Party reasonably knows as the result of a reasonable investigation have been translated into the English language using human translators or through machine translation for its own purposes, except to the extent such translation is protected by attorney-client or work-product privileges, the Producing Party shall produce the translation of the original document with the original. The parties will meet and confer as necessary concerning procedures for using translations at depositions and at trial. In the event the Parties cannot reach agreement, the matter may be submitted to the Court for determination.

- c) Third-Party Documents. A Party that issues a Non-Party subpoena ("Issuing Party") shall include a copy of this Order with the subpoena and state that (1) the subpoenaed Non-Party should produce Documents in response to the subpoena to all Parties; and (2) the Parties to this Litigation have requested that Third Parties produce Documents in accordance with the specifications set forth herein. If the subpoenaed Non-Party produces Documents to the Issuing Party but does not produce those Documents to other Parties, the Issuing Party shall produce such Documents to those other Parties within 14 days of receiving the Documents, except where the Documents are to be used in a deposition, in which case the Issuing Party shall produce such Documents to all other Parties no later than three (3) days prior to the deposition, or as soon as reasonably practicable if such production occurs thereafter. Nothing in this Order is intended or may be interpreted to narrow, expand, or otherwise affect the rights of the Parties or Third Parties to object to a subpoena. If the Non-Party production is not Bates-stamped, the Parties will meet and confer to agree upon a format for designating the documents with a unique Bates Number prefix.
- d) <u>Documents Produced by Parties Presumption of Authenticity</u>. In order to reduce the number of requests for admission, this Order establishes a rebuttable presumption that documents produced by the Parties are authentic, if said documents were either created or authored by the producing Party, or any of its employees, agents, or

contractors, so long as the employees', agents', or contractors' work was performed in connection with a project or assignment sponsored by the producing Party. No further evidence to establish authenticity need be provided. Nothing in this paragraph shall be deemed to waive any other evidentiary objection a party may have, including but not limited to hearsay, foundation/personal knowledge, or relevance.

- e) **Re-productions.** Notwithstanding any provisions to the contrary, re-production of discrete sets of documents from another litigation, arbitration, government inquiry, or other matter may be re-produced in the same manner and form as originally produced in the other matter, provided however that a party will re-produce documents in a different format for good cause shown. This provision does not waive the right of a party to object to any requests for reproduction of production files from another litigation, arbitration, government inquiry, or other matter.
- f) Modification. This ESI Order may be modified by a Stipulated Order of the Parties or by the Court for good cause shown.
- g) Good Faith. The Parties will act in good faith as required by law and use these procedures to identify and reduce the potential for disputes.
- h) **Continuing Obligations**. The Parties recognize that discovery shall be an iterative and cooperative process. The Parties will continue to meet and confer regarding any issues as reasonably necessary and appropriate. This Order does not address or resolve any objections to the Parties' respective discovery requests.
- i) **Reservation of Rights**. The Parties agree that any topic not addressed herein is neither a waiver nor acknowledgement of agreement by either Party.
- **IT IS SO STIPULATED**, through Counsel of Record.

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1	DATED: March 15, 2024	Respectfully submitted,
2		<u>/s/ Lexi J. Hazam</u> LEXI J. HAZAM
3		LEXI J. HAZAM LIEFF CABRASER HEIMANN &
4		BERNSTEIN, LLP
		275 BATTERY STREET, 29 _{TH} FLOOR SAN FRANCISCO, CA 94111-3339
5		Telephone: 415-956-1000
6		lhazam@lchb.com
7		
8		PREVIN WARREN MOTLEY RICE LLC
9		401 9th Street NW Suite 630
10		Washington DC 20004 T: 202-386-9610
		pwarren@motleyrice.com
11		Co-Lead Counsel
12		Co-Lead Counsel
13		CHRISTOPHER A. SEEGER SEEGER WEISS, LLP
14		55 CHALLENGER ROAD, 6TH FLOOR
15		RIDGEFIELD PARK, NJ 07660
		Telephone: 973-639-9100 Facsimile: 973-679-8656
16		cseeger@seegerweiss.com
17		Counsel to Co-Lead Counsel
18		
19		JENNIE LEE ANDERSON ANDRUS ANDERSON, LLP
20		155 MONTGOMERY STREET, SUITE 900
		SAN FRANCISCO, CA 94104 Telephone: 415-986-1400
21		jennie@andrusanderson.com
22		Liaison Counsel
23		
24		MATTHEW BERGMAN GLENN DRAPER
25		SOCIAL MEDIA VICTIMS LAW CENTER
26		821 SECOND AVENUE, SUITE 2100 SEATTLE, WA 98104
27		Telephone: 206-741-4862
		matt@socialmediavictims.org glenn@socialmediavictims.org
28		5101111(a) 5001411110414 v 10tilii 15.01g

ĺ	C. 625885 46: 22: 22: 22: 22: 22: 22: 22: 22: 22: 2
1	JAMES J. BILSBORROW
2	WEITZ & LUXENBERG, PC
2	700 BROADWAY
3	NEW YORK, NY 10003 Telephone: 212-558-5500
4	Facsimile: 212-344-5461
	jbilsborrow@weitzlux.com
5	PAIGE BOLDT
6	WATTS GUERRA LLP
	4 Dominion Drive, Bldg. 3, Suite 100 San Antonio, TX 78257
7	T: 210-448-0500
8	PBoldt@WattsGuerra.com
9	THOMAS P. CARTMELL
10	WAGSTAFF & CARTMELL LLP
	4740 Grand Avenue, Suite 300
11	Kansas City, MO 64112 T: 816-701 1100
12	tcartmell@wcllp.com
13	JAYNE CONROY
14	SIMMONS HANLY CONROY, LLC 112 MADISON AVE, 7TH FLOOR
1.5	NEW YORK, NY 10016
15	Telephone: 917-882-5522
16	jconroy@simmonsfirm.com
17	CARRIE GOLDBERG
1 /	C.A. GOLDBERG, PLLC 16 Court St.
18	Brooklyn, NY 11241
19	T: (646) 666-8908
	carrie@cagoldberglaw.com
20	CINI TINIC MADVI III
21	SIN-TING MARY LIU AYLSTOCK WITKIN KREIS &
22	OVERHOLTZ, PLLC
22	17 EAST MAIN STREET, SUITE 200
23	PENSACOLA, FL 32502
24	Telephone: 510-698-9566
	mliu@awkolaw.com
25	ANDRE MURA
26	GIBBS LAW GROUP, LLP 1111 BROADWAY, SUITE 2100
27	OAKLAND, CA 94607
	Telephone: 510-350-9717
28	amm@classlawgroup.com

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1	
2	
3	EMMIE PAULOS
	LEVIN PAPANTONIO RAFFERTY
4	316 SOUTH BAYLEN STREET, SUITE 600 PENSACOLA, FL 32502
5	Telephone: 850-435-7107
6	epaulos@levinlaw.com
	ROLAND TELLIS
7	DAVID FERNANDES
8	BARON & BUDD, P.C.
0	15910 Ventura Boulevard, Suite 1600
9	Encino, CA 91436
10	Telephone: (818) 839-2333 Facsimile: (818) 986-9698
1 1	rtellis@baronbudd.com
11	dfernandes@baronbudd.com
12	ALEWANDDA WALCH
13	ALEXANDRA WALSH WALSH LAW
	1050 Connecticut Ave, NW, Suite 500
14	Washington D.C. 20036
15	T: 202-780-3014
16	awalsh@alexwalshlaw.com
	MICHAEL M. WEINKOWITZ
17	LEVIN SEDRAN & BERMAN, LLP
18	510 WALNUT STREET
	SUITE 500 PHILADELPHIA, PA 19106
19	Telephone: 215-592-1500
20	mweinkowitz@lfsbalw.com
21	DIANDRA "FIL" DEDROGGE ZIMMERMANDI
	DIANDRA "FU" DEBROSSE ZIMMERMANN DICELLO LEVITT
22	505 20th St North
23	Suite 1500
24	Birmingham, Alabama 35203
24	Telephone: 205.855.5700 fu@dicellolevitt.com
25	Tutte die Choic vitt. Com
26	
27	
28	

	C. 625885 4 : 22 : 32 : 22 VA 1025 40 : 38 54 7/G PG PD o Dourcus mile (b. 1. 6-92)
1	HILLARY NAPPI HACH & ROSE LLP
2	112 Madison Avenue, 10th Floor
3	New York, New York 10016 Tel: 212.213.8311
4	hnappi@hrsclaw.com
5	JAMES MARSH
6	MARSH LAW FIRM PLLC 31 HUDSON YARDS, 11TH FLOOR
7	NEW YORK, NY 10001-2170
	Telephone: 212-372-3030
8	jamesmarsh@marshlaw.com
9	Attorneys for Individual Plaintiffs
10	ROB BONTA
11	Attorney General State of California
12	State of Camornia
13	<u>/s/ Megan O'Neill</u> Nick A. Akers (CA SBN 211222)
14	Senior Assistant Attorney General
	Bernard Eskandari (SBN 244395)
15	Supervising Deputy Attorney General Megan O'Neill (CA SBN 343535)
16	Joshua Olszewski-Jubelirer
17	(CA SBN 336428) Marissa Roy (CA SBN 318773)
18	Deputy Attorneys General
19	California Department of Justice Office of the Attorney General
	455 Golden Gate Ave., Suite 11000
20	San Francisco, CA 94102-7004 Phone: (415) 510-4400
21	Fax: (415) 703-5480
22	Bernard.Eskandari@doj.ca.gov
23	Attorneys for Plaintiff the People of the State of California
24	Cangornia
25	
26	
27	
28	

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1	
1	RUSSELL COLEMAN
2	Attorney General
3	Commonwealth of Kentucky
4	/s/ J. Christian Lewis
5	J. Christian Lewis (KY Bar No. 87109), Pro hac vice
	Philip Heleringer (KY Bar No. 96748),
6	Pro hac vice
7	Zachary Richards (KY Bar No. 99209),
	Pro hac vice app. forthcoming
8	Daniel I. Keiser (KY Bar No. 100264),
9	Pro hac vice Matthew Cocanougher (KY Bar No. 94292),
,	Pro hac vice
10	Assistant Attorneys General
11	1024 Capital Center Drive, Suite 200
	Frankfort, KY 40601
12	CHRISTIAN.LEWIS@KY.GOV
13	PHILIP.HELERINGER@KY.GOV ZACH.RICHARDS@KY.GOV
	DANIEL.KEISER@KY.GOV
14	MATTHEW.COCANOUGHER@KY.GOV
15	Phone: (502) 696-5300
16	Fax: (502) 564-2698
	Attorneys for Plaintiff the Commonwealth of
17	Kentucky
18	
19	
20	
21	
22	
23	
24	
25	
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1	COVINGTON & BURLING LLP
2	By: /s/ Ashley M. Simonsen
3	Ashley M. Simonsen, SBN 275203
	COVINGTON & BURLING LLP
4	1999 Avenue of the Stars Los Angeles, CA 90067
5	Telephone: (424) 332-4800
6	Facsimile: + 1 (424) 332-4749
	Email: asimonsen@cov.com
7	Phyllis A. Jones, pro hac vice
8	Paul W. Schmidt, pro hac vice
9	COVINGTON & BURLING LLP
,	One City Center 850 Tenth Street, NW
10	Washington, DC 20001-4956
11	Telephone: + 1 (202) 662-6000
	Facsimile: + 1 (202) 662-6291
12	Email: pajones@cov.com
13	Attorney for Defendants Meta Platforms, Inc.
14	f/k/a Facebook, Inc.; Facebook Holdings,
1.5	LLC; Facebook Operations, LLC; Facebook Payments, Inc.; Facebook Technologies, LLC;
15	Instagram, LLC; Siculus, Inc.; and Mark Elliot
16	Zuckerberg
17	FAEGRE DRINKER LLP
18	By: /s/ Andrea Roberts Pierson
10	Andrea Roberts Pierson, pro hac vice
19	FAEGRE DRINKER LLP 300 N. Meridian Street, Suite 2500
20	Indianapolis, IN 46204
	Telephone: +1 (317) 237-0300
21	Facsimile: + 1 (317) 237-1000
22	Email: andrea.pierson@faegredrinker.com
23	Amy R. Fiterman, pro hac vice
24	FAEGRE DRINKER LLP
	2200 Wells Fargo Center 90 South Seventh Street
25	Minneapolis MN 55402
26	Telephone: +1 (612) 766 7768
	Facsimile: + 1 (612) 766 1600 Email: amy.fiterman@faegredrinker.com
27	Eman. amy.merman@raegredrinker.com
28	Geoffrey M. Drake, pro hac vice

KING & SPALDING LLP		Casaes 4: 2:32 2 v n 10:5 0 3:80 47 G PG RD o Dourcum ne 10 1:6-930 Hillieuth 10073 21/25 22/4 Prangue 21/15 off 3/03 9
1180 Peachtree Street, NE, Suite 1600 Atlanta, GA 30309 Telephone: +1 (404) 572 4726 Email: gdrake@kslaw.com		
1180 Peachtree Street, NE, Suite 1600 Atlanta, GA 30309 Telephone: +1 (404) 572 4726 Email: gdrake@kslaw.com	1	
Atlanta, GA 30309 Telephone: +1 (404) 572 4726 Email: gdrake@kslaw.com David P. Mattern, pro hac vice KING & SPALDING LLP 1700 Pennsylvania Avenue, NW, Suite 900 Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP By: No Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSEN LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4007 Famil: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 687-3702 Email: victoria degtyareva@mto.com Email: Ariel.Teshuva (SBN 18410.com Email: Victoria degtyareva@mto.com Email: Ariel.Teshuva@mto.com	1	
Email: gdrake@kslaw.com	2	· · ·
David P. Mattern, pro hac vice KING & SPALDING LLP 1700 Pennsylvania Avenue, NW, Suite 900 Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: Ariel.Teshuva@mto.com	3	
David P. Mattern, pro hac vice KING & SPALDING LLP 1700 Pennsylvania Avenue, NW, Suite 900 Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com	4	Email: gdrake@kslaw.com
1700 Pennsylvania Avenue, NW, Suite 900		· •
Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com	5	
Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 314238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: Ariel.Teshuva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-2300 Email: lauren.bell@mto.com	6	
## Attorneys for Defendants TikTok Inc. and ByteDance Inc. ### MUNGER, TOLLES & OLSEN LLP ### By: /s/ Jonathan H. Blavin Jonathan H. Blavin, SBN 230269 ### MUNGER, TOLLES & OLSON LLP ### 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 ### Telephone: (415) 512-4000 ### Facsimile: (415) 512-4077 ### Email: jonathan.blavin@mto.com ### Rose L. Ehler (SBN 29652) ### Victoria A. Degtyareva (SBN 284199) ### Laura M. Lopez, (SBN 313450) ### Ariel T. Teshuva (SBN 324238) ### MUNGER, TOLLES & OLSON LLP ### 350 South Grand Avenue, 50th Floor ### Los Angeles, CA 90071-3426 ### Telephone: (213) 683-9100 ### Facsimile: (213) 683-9100 ### Facsimile: (213) 687-3702 ### Email: victoria.degtyareva@mto.com ### Email: victoria.degtyareva@mto.com ### Email: Ariel.Teshuva@mto.com ### Email: Ariel.Teshuva@mto.com ### Lauren A. Bell (pro hac vice forthcoming) ### MUNGER, TOLLES & OLSON LLP ### 601 Massachusetts Ave., NW St., ### Suite 500 E ### Washington, D.C. 20001-5369 ### Telephone: (202) 220-1100 ### Facsimile: (202) 220-1100 ### Facsimile: (202) 220-1200 ### Email: lauren.bell@mto.com	7	
## Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP	Q	Email: dmattern@kslaw.com
MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavin Jonathan H. Blavin Jonathan H. Blavin MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-2300 Email: lauren.bell@mto.com		Attorneys for Defendants TikTok Inc. and
MUNGER, TOLLES & OLSEN LLP	9	ByteDance Inc.
Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4007 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: victoria.degtyareva@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (200) 220-1100 Facsimile: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	10	MUNGER, TOLLES & OLSEN LLP
MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com	11	
13 S60 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com 16	12	·
San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4007 Email: jonathan.blavin@mto.com	12	·
Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: Ariel.Teshuva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	13	· · · · · · · · · · · · · · · · · · ·
Facsimile: (415) 512-4077	14	1 , /
Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com 23 Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com		
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Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	16	
Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	17	
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Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	19	· ·
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Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	20	
Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	21	Email: rose.ehler@mto.com
Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	22	₽ ,
Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	23	Email: Ariel. I esnuva@mto.com
601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com		
Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	24	·
Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	25	
Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	26	S ·
Email: lauren.bell@mto.com		1 , ,
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1	Attorneys for Defendant Snap Inc.
2	WILSON SONSINI GOODRICH & ROSATI
3	Professional Corporation
3	By: /s/ Brian M. Willen
4	Brian M. Willen (<i>pro hac vice</i>) WILSON SONSINI GOODRICH & ROSATI
5	1301 Avenue of the Americas, 40th Floor
_	New York, New York 10019
6	Telephone: (212) 999-5800
7	Facsimile: (212) 999-5899
8	Email: bwillen@wsgr.com
0	Lauren Gallo White
9	Samantha A. Machock
10	WILSON SONSINI GOODRICH & ROSATI
	One Market Plaza, Spear Tower, Suite 3300 San Francisco, CA 94105
11	Telephone: (415) 947-2000
12	Facsimile: (415) 947-2099
12	Email: lwhite@wsgr.com
13	Email: smachock@wsgr.com
14	Christopher Chiou
15	WILSON SONSINI GOODRICH & ROSATI
	953 East Third Street, Suite 100
16	Los Angeles, CA 90013
17	Telephone: (323) 210-2900 Facsimile: (866) 974-7329
	Email: cchiou@wsgr.com
18	
19	Attorneys for Defendants YouTube, LLC, Google
20	LLC, and Alphabet Inc.
20	WILLIAMS & CONNOLLY LLP
21	By: <u>/s/ Joseph G. Petrosinelli</u>
22	Joseph G. Petrosinelli (pro hac vice)
	jpetrosinelli@wc.com
23	Ashley W. Hardin (<i>pro hac vice</i>) ahardin@wc.com
24	680 Maine Avenue, SW
25	Washington, DC 20024
25	Telephone.: 202-434-5000
26	Fax: 202-434-5029
27	Attorneys for Defendants YouTube, LLC, Google
28	LLC, and Alphabet Inc.
20	

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1	MORGAN, LEWIS & BOCKIUS LLP	
2	By: <u>/s/ Stephanie Schuster</u> Stephanie Schuster (<i>pro hac vice</i>)	
3	stephanie.schuster@morganlewis.com	
	1111 Pennsylvania Avenue NW	
4	NW Washington, DC 20004-2541 Tel.: 202.373.6595	
5	W 1 D 7 W (CD) (47111)	
6	Yardena R. Zwang-Weissman (SBN 247111) yardena.zwang-weissman@morganlewis.com	
7	300 South Grand Avenue, 22nd Floor	
8	Los Angeles, CA 90071-3132 Tel.: 213.612.7238	
9	Brian Ercole (pro hac vice) brian.ercole@morganlewis.com	
	600 Brickell Avenue, Suite 1600 Miami, FL 33131-3075	
11	Tel.: 305.415.3416	
12	Attorneys for Defendants YouTube, LLC and	
13	Google LLC	
14	IT IS ORDERED that the foregoing Agreement is approved.	
15	\mathcal{O}_{α}	
16	Dated: March 18, 2024	
17	MAGISTRATE JUDGE PETER H. KANG	
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APPENDIX 1: PRODUCTION FORMAT

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- 1) **Production Components.** Except as otherwise provided below, ESI must be produced in accordance with the following specifications:
 - a) an ASCII delimited data file (.DAT) using standard delimiters;
 - b) an image load file (.OPT) that can be loaded into commercially acceptable production software (e.g. Concordance);
 - c) single page black-and-white TIFF images, or JPEG images when color is specified herein, or native files with single page placeholder TIFF images depending on the applicable production format for each type of file;
 - d) and document level .TXT files for all documents containing extracted full text or OCR text.
 - e) Family relationships between emails and their attachments, embedded files and their source document, and connected hardcopy documents will be maintained in production. Attachments should be consecutively produced with their parent.
 - f) If a particular document warrants a different production format, the Parties will cooperate in good faith to arrange for a mutually acceptable production format.
- 2) Production Media and Access Controls. Productions must be encrypted and produced through secure electronic means, such as secure file sharing methods (e.g. FTP), or on CD, DVD, flash drive or external hard drive ("Production Media"). Each piece of Production Media must identify a production number corresponding to the production volume (e.g. "VOL001"). Each piece of Production Media must also identify: (a) the case caption; (b) the following label: "This media contains material subject to Court Ordered security measures"; (c) the Producing Party's name; (d) the production date; (e) the Bates Number range of the materials contained on the Production Media.

Nothing in this ESI Order will preclude or impair any and all protections provided the Parties by any Protective Order(s) agreed and entered into by the Parties. Parties will use best efforts to avoid the unnecessary copying or transmittal of produced documents. If questions arise, the Parties will meet and confer to ensure security concerns are addressed prior to the exchange of

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any documents.

- aproduction sets. The Bates Numbers in the image load file must match the corresponding documents in the image load file should match the image load file must match the corresponding of the production. The total number of pages referenced in a production's image load file should match the total number of pages referenced in a production's image load file should match the total number of TIFF files in the production. All images must be assigned a unique Bates number that is sequential within a given document and across the production sets. The Bates Numbers in the image load file must match the corresponding documents' beginning Bates numbers in the data load file. The total number of documents in a production should match the total number of records in the data load file. Load files must not vary in format or structure within a production, or from one production to another except by agreement of the Parties.
- 4) Metadata Fields. Each of the metadata and coding fields set forth below that can be extracted should be produced for each document, except that if the field contains privileged information, that privileged information may be redacted. However, to the extent that metadata does not exist, is not available for any documents produced, this provision shall not be read to require any Party to extract, capture, collect, manually populate, or produce such metadata, with the exception of the following: (a) BEGBATES, (b) ENDBATES, (c) BEGATTACH, (d) ENDATTACH, (e) PRODVOL, (f) ALL CUSTODIANS, (g) CONFIDENTIALITY, (h) REDACTIONS, (i) REDACTION TYPE, (j) HASHVALUE, (k) NATIVEFILEPATH, and (l) TEXTFILEPATH, which should be populated by the Party or the Party's vendor. The Parties will make reasonable efforts to ensure that metadata fields automatically extracted from the documents correspond directly to the information that exists in the original documents.

Field Name	Field Description
BEGBATES	Beginning Bates number for a particular document as stamped on the first production image for that document
ENDBATES	Ending Bates number as stamped on the last

Field Name	Field Description
	production image for a particular document
BEGATTACH	First production Bates number of the first document in a family
ENDATTACH	Last production Bates number of the last document in a family
ATTACHCOUNT	Number of attachments to an e-mail or embedded parent, as generated by commercially available discovery processing tools.
ATTACHNAMES	Names of each individual Attachment, separated by semicolons.
PRODVOL	Production volume
ALLCUSTODIANS	List of all custodians associated with Document, i.e. "Custodian" + "Other Custodian" values delimited by semicolon.
ALLFILEPATHS	All original path(s) to the individual source file(s) when available in the ordinary course of business to and processable by the parties and their ESI vendors of choice. Includes pa up to and including internal path of containers.
CONFIDENTIALITY	Confidentiality designation assigned to the document consistent with the Stipulated Protective Order governing this Litigation
NATIVEFILEPATH	Native File Link (Native Files only)
TEXTFILEPATH	Path to extracted text/OCR file for the document
HASHVALUE	MD5 hash value of the document
DOCUMENT TYPE	Descriptor for the type of document: "Edocument" for electronic documents not attached to e-mails; "E-mail" for all e-mails; "E-attachment" for files that were attachment to e-mails; and "Physical" for hard copy physical documents that have been scanned and converted to an electronic image.
AUTHOR	Any value populated in the Author field of t

Field Name	Field Description
	document properties
DOCDATE	Date the document was created according to filesystem information (format: MM/DD/YYYY)
DATELASTMODIFIED	Date when document was last modified according to filesystem information (forma MM/DD/YYYY)
LAST MODIFIED BY	Last person who modified (saved) a document, as generated by commercially available discovery processing tools.
TRACK CHANGES	Y if a document with track changes value, otherwise N or empty, if available separate from the HASHIDDENDATA flag
COMMENTS	Y if a document with comments, otherwise or empty, if available separately from the HASHIDDENDATA flag
HASHIDDENDATA	Y if a document with hidden content value otherwise N or empty
FILENAME	Filename of an electronic document
TITLE	Any value populated in the Title field of th document properties
DOCEXT	File extension of document pulled from the document properties
FROM	The sender of the email
ТО	All recipients that were included on the "T line of the email
CC	All recipients that were included on the "C line of the email
BCC	All recipients that were included on the "BCC" line of the email
DATETIMERECEIVED	Date and time email was received (format: MM/DD/YYYY HH:MM)
DATETIMESENT	Date and time email was sent (format: MM/DD/YYYY HH:MM)

Field Name	Field Description
TIMEZONE	The timezone used to process the document
EMAILSUBJECT	Subject line of email pulled from the document properties
THREADID	If a threading tool is used for emails, the thread id generated by the threading tool.
REDACTION TYPE ¹	General category of redaction reason as agreed to by the parties. For example, PII, SCA, CODE, and/or PRIV. If more than one, separate reasons by semicolons.
REDACTIONS	Y if a document is redacted, otherwise N or empty

- 5) TIFFs. Unless excepted below, single page, black and white, Group IV TIFFs should be provided, at least 300 dots per inch (dpi) for all documents. Each TIFF image must be named according to a unique corresponding Bates number associated with the document. Each image must be branded according to the Bates number and the agreed upon confidentiality designation. Original document orientation should be maintained (i.e., portrait to portrait and landscape to landscape). Where the TIFF image is unreadable or has materially degraded the quality of the original, the Producing Party shall provide a higher quality TIFF image or the native or original file. In addition, the Parties shall take reasonable efforts to process word processing documents (e.g., MS Word) with track changes and/or comments unhidden on the TIFF image.
- 6) Color. Word processing documents containing tracked changes shall be produced in color, as single-page, 300 dpi JPG images with JPG compression and a high quality setting as to not degrade the original image. The Producing Party shall comply with good faith by the Requesting Party to provide replacement color images for documents originally produced in black and white. A Party making such a request shall make the request by individual Bates

¹ The Parties will provide specific information on any privilege(s) asserted in their privilege logs, in an overlay, or the redaction boxes. The "Redaction Reason" field is informational only for redaction type and shall not in any way limit a party's right to assert attorney-client privilege, attorney-work product privilege, and/or any other applicable privilege or protection.

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number(s) and shall limit requests made pursuant to this paragraph to a reasonable number of documents.

- **7**) **Text Files.** A single multi-page text file must be provided for each document, and the filename should match its respective TIFF filename for the first page of that document. Extracted text shall be generated with commercially acceptable technology set to include all comments, revisions, tracked changes, speaker's notes and text from documents with comments or tracked changes, and hidden and very hidden worksheets, slides, columns and rows. When possible, the text of native files should be extracted directly from the native file. Parties will perform optical character recognition ("OCR") on foreign language documents using the appropriate settings for languages reasonably anticipated to be in the production following a meet and confer with the Requesting Party to identify those languages. Text files will not contain the redacted portions of the documents. A commercially acceptable technology for OCR should be used for all scanned, hard copy documents and for documents with redactions other than Excel files and other spreadsheets which shall be redacted in native format. Text extracted from emails should include the following header information where available: (1) the individuals to whom the communication was directed ("To"), (2) the author of the email communication ("From"), (3) who was copied and blind copied on such email ("CC" and "BCC"), (4) the subject line of the email ("RE" or "Subject"), and (5) the date and time of the email. To the extent the text extraction technology the Parties are using can be configured to include the text of any URLs or links, the Parties shall utilize that setting.
- Native files. Spreadsheets (*e.g.* MS Excel), and un-redacted presentations (e.g. Microsoft PowerPoint,) will be produced in native format to the extent that they are produced in this Litigation, audio, video, and multi-media files will be produced in native format. The Parties will meet and confer on the production of other file types, such as proprietary files, etc. Native files will be produced with a link in the NATIVEFILEPATH field, along with extracted text (where extracted text is available) and applicable metadata fields set forth in paragraph 4 above. A Bates numbered TIFF placeholder indicating that the document was provided in native format must accompany every native file. Where redaction makes production of native-format

files other than spreadsheets or presentations infeasible, the Parties will confer to determine a reasonably usable form for the production, but spreadsheets shall presumptively be redacted in native, and presentations presumptively redacted in image form, in these cases without the need for further conferring.

- hardcopy will be scanned to *.tiff image format and produced in accordance with the specifications set forth herein. Hard copy documents that are not text-searchable shall be made searchable by OCR prior to production. In scanning paper documents, distinct documents should not be merged into a single record, and single documents should not be split into multiple records (i.e., paper documents should be logically unitized). In the case of an organized compilation of separate documents (for example, a binder containing several separate documents behind numbered tabs), the document behind each tab should be scanned separately, but the relationship among the documents in the compilation should be reflected in the proper coding of the beginning and ending document and attachment fields. The Parties will make their best efforts to unitize the documents correctly. If relevant documents are maintained in a file, folder, envelope, binder, notebook or similar container used to store documents, all contents therein shall be reviewed for production and privilege. Document pages which have affixed notes, such as Post-it notes, should be imaged with and without the note attached.
- 10) Confidentiality Designation. All images will be stamped with the appropriate confidentiality designations in accordance with the Stipulated Protective Order entered in this Litigation. Each document produced in native format will have its confidentiality designation identified in the filename of the native file and indicated on its corresponding TIFF placeholder.
- 11) Bates Numbering. Bates numbering should be a consistent length across the production, contain no special characters, and be numerically sequential within a given document. If a Bates number or set of Bates numbers is skipped, the skipped number or set of numbers should be noted with a placeholder. Attachments to documents will be assigned Bates numbers that directly follow the Bates numbers on the documents to which they were attached.

In addition, wherever possible, each image will have its assigned Bates number electronically "burned" onto the image.

- information is stored in a database, or database management system, or proprietary system or application which has is directed to data storage as one of its primary functions, the Producing Party will identify the database and platform to the Requesting Party. The Producing Party shall produce exports and reports about such responsive information stored in such database, where such exports and reports shall be in a reasonably usable form, and information may be produced in CSV format, tab-delimited text format, Microsoft Excel format, or Microsoft Access format. If there are future disputes over the production of information from a database, the Parties shall meet and confer in good faith in an attempt to reach any further agreements (if needed) on the data to be produced and the format and scope of the production. The Producing Party will provide reasonable amounts of information about the databases to facilitate that discussion.
- inside a responsive document (including hyperlinked inside emails) within a Producing Party's custody, possession, or control, do not need to be produced in the first instance as part of the same family group as the Document residing at the location to which that hyperlink points. If there are particular hyperlinks identified by the Requesting Party in produced documents, the Requesting Party may submit a list of hyperlinks to a particular Producing Party for potentially relevant documents by identifying the Bates number and URL or link text for each requested link to the Producing Party, and the Producing Party will engage in reasonable efforts to locate the hyperlinked document at that location and either identify it by Bates number or provide any responsive, non-produced, and non-privileged documents. The number of hyperlinks a Requesting Party may identify to a Producing Party shall not be excessive and shall be reasonable, proportional to the needs of the case, and not unduly burdensome.
- **14) Embedded Objects.** The Parties agree non-substantive embedded objects, including, but not limited to, logos, icons, emoticons, and footers, may be culled from a document set (but not a document) and need not be produced as separate documents by a

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Producing Party (i.e., such embedded objects will be produced within the document itself, rather than as separate documents). Embedded files, except for images (including but not limited to, logos, icons, emoticons), are to be produced as family groups. Embedded files should be assigned Bates numbers that directly follow the Bates numbers on the documents within which they are embedded.

- **15**) **Production of Family Groups and Relationships**. If any member of a family group is produced, all members of that group must also be produced or else logged as privileged, and no such member shall be withheld from production as a duplicate.
- Dynamic Fields. Documents with dynamic fields for file names, dates, and **16**) times will be imaged to show the field code (e.g., "[FILENAME]") where possible, rather than the values for such fields existing at the time the file is processed.
- **17**) **Time Zone**. The time zone used to process a document, including its metadata, shall be disclosed in the TIMEZONE metadata field consistent with Appendix 1, and shall be standardized for each Defendant across productions.

18) Redactions.

- A Producing Party may redact (i) information subject to the attorney client a) privilege or the work product protection (PRIV); (ii) information that cannot be disclosed pursuant to the Stored Communications Act (SCA); (iii) source code subject to separate agreement applicable to production of source code (CODE); (iv) personal identifying information (PII) including phone numbers, personal addresses, personal email addresses, the month and day of birth, driver's license numbers, and other PII agreed to by the Parties (for example, the Parties shall complete their meet and confer on whether or not to redact users' ages and years of birth). In any event, there shall be no redaction of illnesses, injuries, and medical diagnoses. To the extent a document or pleading contains PII, the Parties shall designate such documents at the appropriate Confidentiality level under the Protective Order and shall comply with Fed. R. Civ. P. 5.2 with regard to filings with the Court.
- No redactions for relevance may be made within a produced document or ESI b) item. If, during the course of discovery, the Parties identify other kinds of information that any STIP. & [Proposed] Order Governing the

Party has a reasonable basis for redacting, the Parties will meet and confer on a case-by-case basis regarding that information before such redactions are made. If the Parties cannot agree, they may seek resolution from the Court.

- c) The Producing Party will indicate, on the face of the redaction, the asserted reason(s) for the redaction (PII, SCA, CODE, and/or PRIV) and the REDACTION TYPE metadata field shall indicate that the document contains redactions and the reason(s) for the redaction.
- d) Notwithstanding the foregoing, this provision shall not be read to prohibit redactions permitted under any applicable U.S. law or Protective Order.
- e) Where a responsive document contains both redacted and non-redacted content, the Parties shall produce the non-redacted portions of the document and the OCR text corresponding to the non-redacted portions.
- f) Native Redactions. Spreadsheet files requiring redaction, including without limitation Microsoft Excel files, shall be redacted and produced natively (unless the Parties agree to production in some other format). In addition, a Producing Party may natively redact other files that cannot be properly imaged for redaction.
- g) All images of redacted files shall be processed to show all comments, revision marks, speaker notes, marks made in track changes, or other user-entered data which are visible in a normal view of the document in its native application, unless such material is redacted and marked as redacted in accordance with this section. Where possible, any occurrences of date/time auto-field items, including in headers and footers, will be removed and replaced with the term AUTODATE to prevent the current date from being printed. Email header information (e.g., date and/or subject line) shall not be redacted unless it is independently privileged. The Parties shall honor reasonable requests for the production of particular redacted documents in other formats where the image is not reasonably usable.
- h) Color. Redacted versions of documents that would have been produced in color in their un-redacted form shall be produced in color as detailed herein.

) **Exception Files**. The Parties will use reasonable efforts to address processing exceptions.

data that can reasonably be extracted and produced in the formats described herein is identified on a mobile or handheld device, that data shall be produced in accordance with the generic provisions of this protocol. To the extent that responsive data identified on a mobile or handheld device is not susceptible to normal production protocols, the Parties will meet and confer to address the identification, production, and production format of any responsive documents and data contained on any mobile or handheld device.

COVINGTON

BEIJING BOSTON BRUSSELS DUBAI FRANKFURT
JOHANNESBURG LONDON LOS ANGELES NEW YORK
PALO ALTO SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP The New York Times Building 620 Eighth Avenue New York, NY 10018-1405 T +1 212 841 1000

DELIVERED VIA PROCESS SERVER

July 17, 2024

Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities 275 E. Main Street #4 Frankfort, KY 40601

Re: People of the State of California v. Meta Platforms, Inc., 4:23-cv-05448

Dear Sir/Madam:

Enclosed please find a subpoena being served upon you in connection with the above-captioned litigation currently pending in the U.S. District Court for the Northern District of California. I represent Defendants Meta Platforms, Inc.; Instagram, LLC, Meta Payments, Inc., Meta Platforms Technologies, LC and Mark Zuckerberg (collectively, the "Meta Defendants") in this matter.

The document subpoena requests the production of specific documents identified in the attached subpoena (see Attachment A to the subpoena), which are requested to be produced by 10 am on August 19, 2024. We are willing to work with you on the time, date, location, method and manner of document production, as well as answer any questions or concerns you may have regarding subpoena compliance. It is sufficient compliance with this subpoena if you electronically transmit a copy of the requested documents to the undersigned. As such, please contact me at cyeung@cov.com and 212-841-1262, to discuss document production and subpoena compliance, unless you are already represented by counsel in connection with this matter.

The Court is currently considering whether the Kentucky Attorney General's Office has control over Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities' information for the purposes of discovery in this action. If the Court rules that the Kentucky Attorney General's Office has control over the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities' information, the Kentucky Attorney General has pending discovery requests that seek this agency's documents. By serving this subpoena, Meta does not waive its position in the state agency dispute, nor does Meta in any way waive rights to compel the Kentucky Attorney General to produce Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities information as part of discovery in this action. However, to avoid further delay in the production of information from the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities, Meta is serving the attached subpoena to request the timely production of this information.

Your anticipated time and assistance with this matter is greatly appreciated.

COVINGTON

Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities July 17, 2024 Page 2

Best regards,

/s/ Christopher Y. L. Yeung

Christopher Y. L. Yeung

Enclosed: Subpoena, Attachment A, and Attachment B

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

United States District Court

for the

Northern District of	California		
People of the State of California, et al. Plaintiff v. Meta Platforms, Inc., et al. Defendant)	Civil Action No. 4:23-cv-05448		
SUBPOENA TO PRODUCE DOCUMENT			
OR TO PERMIT INSPECTION OF PR	EMISES IN A CIVIL ACTION		
To: Kentucky Department for Behavioral Health, Developments 275 E. Main Street #4, Frankfort, KY 40601	al and Intellectual Disabilities		
(Name of person to whom to	his subpoena is directed)		
documents, electronically stored information, or objects, and to p material: See Attachment A.			
Place: Kentucky Reporters	Date and Time:		
730 W. Main Street, Suite 101 Louisville, KY 40202	10 a.m. on August 19, 2024		
Inspection of Premises: YOU ARE COMMANDED to other property possessed or controlled by you at the time, date, a may inspect, measure, survey, photograph, test, or sample the preplace:	nd location set forth below, so that the requesting party		
The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date:07/17/2024			
CLERK OF COURT			
	OR /s/ Ashley Simonsen		
Signature of Clerk or Deputy Clerk	Attorney's signature		
The name, address, e-mail address, and telephone number of the a Meta Platforms, Inc. f/k/a Facebook, Inc.; Instagram, LLC, Meta Payments, Inc.	,		
Meta Platforms Technologies, LLC; and Mark Zuckerberg, Ashley Simonsen, Covington & Burling LLP, 1999 Avenue of the Stars, L	who issues or requests this subpoena, are:		

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 4:23-cv-01615

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

date)	ubpoena for (name of individual and title, if an			
☐ I served the s	☐ I served the subpoena by delivering a copy to the named person as follows:			
		on (date) ;	or	
☐ I returned the	e subpoena unexecuted because:			
tendered to the	Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$			
ees are \$	for travel and \$	for services, for a total of \$	0.00	
I declare under	penalty of perjury that this information i	s true.		
:		Server's signature		
		Printed name and title		
		Server's address		

Additional information regarding attempted service, etc.:

Print Save As... Add Attachment Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

DEFINITIONS AND INSTRUCTIONS TO ATTACHMENT A

DEFINITIONS

- 1. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- 2. "Document" or "documents" shall have the broadest meaning ascribed to it by the Federal Rules of Civil Procedure, and includes, without limitation electronically stored information ("ESI") (including, without limitation, electronic databases and the data therein, all electronic messages or communications, electronic word processing documents, electronically stored voicemail, webpages, and social media posts) in accordance with any order in this case governing ESI at the time of production. Different versions of the same documents, including, but not limited to, drafts or documents with handwritten notations or marks not found in the original or on other copies are different documents.
- 3. "You", "you", "Your" and "your" means the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities.
- 4. "Relating" or "related to" means and includes referring to, concerning, referencing, mentioning, associated with, constituting, discussing, containing, embodying, recording, reflecting, identifying, summarizing, incorporating, and/or dealing with or pertaining to in any way.
 - 5. "And" includes "or", and vice versa.
 - 6. The singular form of a word or term includes the plural, and vice versa.
 - 7. The present tense of a verb includes the past tense, and vice versa.
- 8. The use of the article "the" shall not be construed as limiting the scope of any request.

- 9. "Including" means "including without limitation."
- 10. "Any" includes "all", and vice versa.
- 11. The capitalized version of a word or term includes the lower case version of a word or term, and vice versa.
- 12. "Social Media Platforms" or "Platforms" means a digital service that facilitates interactions between two or more distinct but interdependent sets of users, including but not limited to Facebook, Instagram, Snapchat, TikTok, YouTube, Twitter (or "X"), Pinterest, LinkedIn, BeReal, Lapse, Reddit, Threads, VSCO, Goodreads, Quora, Discord, Twitch, and Tumblr.
- 13. "Young Users" means users of Social Platforms who are under 18 years of age when using the Platform(s).

All words, terms, and phrases not specifically defined herein are to be given their normal and customary meaning in the context in which they are used in these Requests.

INSTRUCTIONS

- 1. These Requests are intended to cover any and all documents in your possession, custody, or control, to the extent not privileged. Documents held by any office, department, board, commission, or instrumentality of the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities are within your possession, custody, or control.
- 2. In accordance with ESI Protocol attached hereto as Attachment B, if you object to furnishing any of the documents or information requested by these Requests on the grounds of attorney-client privilege, work product, other privilege, or otherwise then, with respect to each such document:
 - a. state the nature of the privilege claimed;
 - b. state the date of each communication supporting the privilege claim;

- c. identify all participants in the supporting communication;
- d. state the specific grounds on which the objection is based; and
- e. identify the specific request calling for such information;
- 2. If you object to any Request on the grounds that it is vague or ambiguous, state: (i) the portions or terms of such Request that you claim to be vague or ambiguous; and (ii) the interpretation of the Request pursuant to which you provide a response.
- 3. Each request shall be deemed continuing, so as to require supplemental or mandatory responses should you obtain additional responsive information subsequent to your initial responses.
- 4. If you cannot fully respond to a particular Request after exercising due diligence to make inquiry and to secure the necessary information, provide a response to the extent possible, specifying your inability to respond to the remainder and providing whatever information or knowledge you have concerning the portion not responded to.
- 5. Each page of a produced document shall have a legible, unique page identifier ("Bates Number") and confidentiality legend (where applicable) on the face of the image at a location that does not obliterate, conceal, or interfere with any information from the source document. Redactions should be clearly marked or stamped on the page in such a way that it is clear from review that a portion of the image has been redacted.
- 6. All responsive and non-privileged electronic documents shall be produced in the format ordered by the Court in its ESI order.
- 7. All responsive electronic documents shall be produced in a format agreed upon by the parties, to include at least native versions of Excel spreadsheets and presentation files, with a Bates-stamped placeholder image.
- 8. Unless otherwise specified, the time period for these Requests is January 1, 2012 to the date of production of the Documents.

ATTACHMENT A

- 1. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of persons ages 13 to 18.
- 2. Research, investigations, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms, including the importance of Social Media Platforms and the use of Social Media Platforms by Young Users and the potential benefits and harms created by the use of Social Media Platforms.
- 3. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of Young Users, including those related to the effects of:
 - a. Social Media Platforms usage;
 - b. Video games usage;
 - c. Cell phone usage;
 - d. Messaging usage;
 - e. Usage of other electronics apart from usage of Social Media Platforms;
 - f. COVID-19 and/or remote learning;
 - g. Use of drugs or alcohol;
 - h. The opioid and fentanyl epidemic;
 - i. Poverty, homelessness, lack of health insurance, and/or food insecurity;
 - j. Physical health including nutrition, exercise, weight management, sleeping habits, and sexual activity;
 - k. Family trauma or deaths;
 - 1. Academic pressure;
 - m. Violence, including school violence, domestic violence, gun violence, gun control and/or mass shootings;
 - n. Bullying or verbal abuse apart from usage of Social Media Platforms;
 - o. Political polarization;
 - p. Natural disasters;
 - q. Climate change;
 - r. Discrimination and inequity;
 - s. Global warfare and conflict; and
 - t. Any other potential causes of harms to the mental, social, emotional, or behavioral health of Young Users.
- 4. Youth Risk Behavior Surveys conducted by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities or on its behalf.
- 5. Research, investigations, studies, surveys, reports, evaluations, or analyses related to:
 - a. Features of Social Media Platforms that are psychologically or physically harmful to Young Users;
 - b. Features of Social Media Platforms that promote compulsive, prolonged, or unhealthy use by Young Users;
 - c. The impact of features of Social Media Platforms, including:

- (1) Algorithmic recommendation and sequencing;
- (2) Image filters;
- (3) Use of multiple user accounts;
- (4) Infinite scroll;
- (5) Ephemeral content features;
- (6) Autoplay;
- (7) Quantification and display of likes; or
- (8) Audiovisual and haptic alerts.
- 6. Programs, initiatives, efforts, or actions proposed or taken by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities to address Young Users' use of Social Media Platforms, including any program, initiative, effort, or action to prevent, limit, encourage, or promote the use of Social Media Platforms by Young Users.
- 7. Policies proposed, recommended, or enacted by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities regarding screen time and acceptable use of cell phones, computers, tablets, or other electronic devices by Young Users.
- 8. Complaints to the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities by teachers or school districts regarding social media or cell phone use by Young Users and/or the need for acceptable use or other policies to address Young Users' use of social media or cell phones.
- 9. Complaints to the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities by teachers or school districts regarding budget crises from inflation, underfunding, unfunded mandates, and other causes.
- 10. Documents related to state assessments in Kentucky, including reports and analyses regarding the history of K-12 state assessment or standardized testing scores, performance by schools and/or school districts, and any other measures of school performance.
- 11. Legislation or policies proposed by, proposed on behalf of, or testified on by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities, regardless of whether such legislation or policies were enacted, regarding Young Users' use of Social Media Platforms.
- 12. Mental, social, emotional, or behavioral health services provided by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities to Young Users during the Relevant Period, including:
 - a. Counseling or therapy;
 - b. Psychiatric services;
 - c. Crisis intervention;
 - d. Inpatient short-term and long-term programs;
 - e. Resource centers; and
 - f. Services for Young Users dealing with substance abuse or addiction issues.

- 13. Any and all Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities grants to address Young Users' mental health, including information about when, where, why, and how any disbursements were paid, any schedules or plans for future disbursements, policies governing evaluation or approval of such disbursements, records of how the disbursements were used, and all agendas, minutes, notes, or recordings from meetings related to such grant.
- 14. Public or non-public meetings held by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities related to Social Media Platforms and use of Social Media Platforms by Young Users, including but not limited to, notices, meeting notes, PowerPoint presentations, internal memoranda, summaries, personal notes, or attendee lists.
- 15. Policies, procedures, and practices related to the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities' use of Social Media Platforms, including communication of information or promotion of the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities' programs, initiatives, efforts, or actions on Social Media Platforms.
- 16. Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities' communications and/or collaboration with any Social Media Platform on any program, initiative or other action related to, or directed at, Young Users.
- 17. Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities' communications with any third party related to Young Users and/or Social Media Platforms.
- 18. Budgeted and actual expenditures by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities during the Relevant Period related to Young Users' use of Social Media Platforms.
- 19. Budgeted and actual expenditures by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities during the Relevant Period related to treatment of teen mental, social, emotional, or behavioral health issues.
- 20. Policies, procedures, and practices applicable to the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities and Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities employees regarding the use of Social Media Platforms, including any changes to these policies during the Relevant Period.
- 21. Studies, programs, initiatives, efforts, or actions proposed or taken by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities that sought to provide or promote internet access or phones, computers, tablets, or other electronic devices to Young Users.

- 22. Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities' budget and actual expenditures during the Relevant Period, including expenditures on:
 - a. Digital advertisements by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities on Social Media Platforms;
 - b. Digital advertisements by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities purchased through Social Media Platforms.

ATTACHMENT B

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6	IN THE UNITED STATI	ES DISTRICT COURT	
7	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
8			
9	IN RE: Social Media Adolescent Addiction/Personal Injury Products Liability	MDL No. 3047 Case No. 4:22-md-03047-YGR	
10	Litigation	Honorable Yvonne Gonzalez Rogers	
11	This document relates to: ALL ACTIONS	Honorable Peter H. Kang	
12	ALL ACTIONS	STIPULATION AND [PROPOSED]	
13		ORDER GOVERNING THE PRODUCTION OF	
14		ELECTRONICALLY STORED INFORMATION AND HARD COPY	
15		DOCUMENTS	
16			
17	1. PURPOSE		
18	This Order Governing the Production of El	lectronically Stored Information and Hard Copy	
19	Documents ("ESI Order") will govern discovery of electronically stored information and any hard		
20	copy documents in this Litigation as a supplement to the Federal Rules of Civil Procedure, this		
21	District's Guidelines for the Discovery of Electron	nically Stored Information, and any other	
22	applicable orders and rules. "This Litigation" inclu	udes all actions currently in MDL No. 3047, In	
23	Re: Social Media Adolescent Addiction/Personal I	Injury Products Liability, or hereafter added or	
24	transferred to MDL No. 3047, and all actions later	remanded to their respective transferor courts.	
25	2. DEFINITIONS		
26	a) "Document" is defined to be synonymous	ous in meaning and equal in scope to the usage	
2.7	of this term in Rules 26 and 34 of the F	Sederal Rules of Civil Procedure and shall	

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include Hard-Copy Documents and ESI.

- b) "Electronically stored information" or "ESI," as used herein has the same meaning as in Federal Rules of Civil Procedure 26 and 34.
- c) "Hard-Copy Document" means Documents existing in paper form at the time of collection.
- d) "Searchable Text" means the native text extracted from an Electronic Document and any Optical Character Recognition text ("OCR text") generated from a Hard-Copy Document or electronic image.

3. COOPERATION

The Parties are aware of the importance the Court places on cooperation and commit to cooperate in good faith throughout this Litigation consistent with this Court's Guidelines for the Discovery of ESI and this Court's Rules of Professional Conduct. The Parties will endeavor to cooperate in good faith and be reasonably transparent in all aspects of the discovery process.

4. LIAISON

The Parties will identify Discovery Liaisons to each other who are and will be knowledgeable about and responsible for discussing their respective ESI. Any Party is free to change their designated Discovery Liaison by providing written notice to the other Parties. Each Party's Discovery Liaison must: (a) be prepared to meet and confer on discovery-related matters and to participate in discovery dispute resolution; (b) be knowledgeable about the Party's discovery efforts; (c) be, or have reasonable access to those who are, familiar with the Party's electronic systems and capabilities in order to explain those systems and answer relevant questions; and (d) be, or have reasonable access to those who are knowledgeable about the technical aspects of discovery, including electronic document storage, organization, and format issues, and relevant information retrieval technology, including search methodology.

5. IDENTIFICATION OF CUSTODIANS AND DATA SOURCES

The parties will disclose information about custodians and custodial and non-custodial data sources likely to possess relevant or responsive information in accordance with Fed. R. Civ. P. 26 and this District's ESI Guidelines. The Parties will participate in Rule 26(f) discussions guided by this District's Checklist for Rule 26(f) Meet and Confer Regarding Electronically

2.1

Stored Information. After responses to Requests for Production under Fed. R. Civ. P. 34 have been served, the parties will meet and confer regarding those custodians and custodial and non-custodial data sources from which Documents and ESI will be collected for search and review for potential production in this litigation. The custodian and data source exchanges will include brief explanations of the rationale for their selections; for example, for custodians, their current job titles and descriptions of their work, and for data sources, location information and description.

6. INACCESSIBLE OR UNUSABLE ESI

If a Producing Party asserts that certain requested ESI is inaccessible or not "reasonably accessible," otherwise unnecessary, or if the Receiving Party asserts that, following production, certain ESI is not reasonably useable, the parties shall meet and confer to discuss resolving such assertions. The parties will exchange sufficient information to enable the parties to confer in good faith. If the parties cannot resolve any such disputes after such a meet and confer has taken place, the issue shall be presented to the Court for resolution.

7. KNOWN RESPONSIVE DOCUMENTS

Documents or ESI identified in a custodial or non-custodial file, or in a discrete folder or collection, that are known to a Producing Party through reasonable investigation to be responsive to a discovery request shall be collected for review without regard to whether the responsive content was located via any search methodology developed in accordance with this Order, and nothing about such review shall prevent the Producing Party from redacting or withholding and logging such documents for applicable privileges.

8. SEARCH METHODOLOGIES

The Parties shall adopt reasonable and proportionate methodologies to identify, search, collect, cull, review, and produce ESI as required under applicable legal standards. The Parties recognize and agree that each Party may use one or more methodologies to identify, search, collect, cull, review, and produce responsive and non-privileged ESI, including the use of keyword search terms and/or the use of technology assisted review ("TAR") as discussed further herein. The Parties further recognize that different data sets may implicate different methodologies to identify, search, collect, cull, review, and produce responsive and non-

privileged ESI. The Parties therefore agree to meet and confer in good faith regarding any potential disputes over their respective ESI productions.

9. HIT REPORTS AND SEARCH TERMS

ESI, the Producing Party shall disclose the search terms to the Requesting Party. The Parties shall meet and confer regarding any disputes over the disclosed search terms. In the event that a Producing Party claims burden with respect to modified and/or additional search terms proposed by a Requesting Party, the Producing Party shall provide a hit report for the terms at issue using industry-standard processing tools, such as NUIX or other similar tools. The Producing Party shall provide a hit report for the document collection where the terms were applied, including the following with respect to each proposed or modified search term in the collection:

- a) The number of documents with hits for that term; and
- b) The number of unique documents, i.e., documents which do not have hits for any other term.

If, after reviewing a hit report from a Producing Party, a Requesting Party so chooses, it may reasonably request a further hit report which includes:

- c) The number of family members, including the documents with hits, of the documents with hits for that term; and
- d) The number of unique family members of the documents with hits for that term.

If the ESI tool for the Producing Party is capable without undue burden of providing the number of family members and unique family members, then the Producing Party shall provide such further hit report. The Parties (including the person most knowledgeable about the capabilities of the Producing Party's ESI tool and the Requesting Party's person most knowledgeable about technical issues from its ESI service provider) shall meet and confer regarding any disputes over whether the Producing Party's ESI tool has the capability or not to provider either number of family members or number of unique family members.

The Parties shall meet and confer to resolve disagreements over the search terms or their application. To the extent the Parties are unable to reach agreement on the application of, or

procedures for, any search or filtering processes, the Parties shall fully comply with the provisions of this Court's Discovery Standing Order regarding the procedure for raising discovery disputes with the Court, including the meet and confer and certification requirements therein.

10. TECHNOLOGY ASSISTED REVIEW (TAR)

A Producing Party may use TAR (technology-assisted review) during the culling and review process of ESI, which may be applied in addition to search terms. If a Producing Party uses TAR to cull, filter out, or exclude documents from that Party's production, that Producing Party shall do the following:

- If a Producing Party chooses to apply both search terms and TAR to a review set, the Producing Party will disclose the search terms to all other Party/Parties.
- Disclose the name of the TAR tool or service used to all other Party/Parties.

11. VALIDATION

Each Producing Party shall take reasonable steps to validate its review process (i.e., using quality control measures to determine whether its production is missing relevant ESI or contains substantial amounts of irrelevant ESI) and make any necessary adjustments or corrections to its process. If, after reviewing a Producing Party's production, a Requesting Party reasonably requests additional information regarding the validation method(s) used by the Producing Party, the Producing Party will disclose the level of end-to-end recall (the percentage of responsive Documents in the collection which were identified as responsive by that Producing Party's methodology). If there remain disputes between the Parties regarding validation, the Parties shall meet and confer to resolve such disputes in good faith, including a reasonable discussion regarding the tool used and the parameters used to obtain or calculate the level of recall.

12. UNSEARCHABLE DOCUMENTS

The Producing Party shall use reasonable efforts to identify and review potentially responsive documents for which text-based search technologies are fundamentally ineffective.

13. SYSTEM FILES

Each Party will use its best efforts to filter out common system files and application executable files using the national software reference library ("NSRL") NIST hash set list. The

Parties also may filter out stand-alone files identified as zero bytes in size. Additional culling of file types based on file header information may be applied to the following, provided these files are not known to be otherwise attached, embedded in, or included with an otherwise responsive document, or are not themselves reasonably known to contain information responsive or contain responsive data or are used to interface with users or interact with or access individual or aggregated user data: Application Package File, Backup Files, Batch Files, Binary Disc Image, C++ File Formats, Cascading Style Sheet, Configuration File, Database File, Dictionary Files, Dynamic Link Library, Event Log Files, Executable Files, Hypertext Cascading Stylesheet, Java Archive Files, JavaScript Files, JavaScript Source Code and Class Files, Macintosh Resource Fork Files, Package Manager Files, Program Files, Program Installers, Python Script Files, Shell Script Files, System or Temporary Files, Thumbnail Cache Files, Troff Files, Truetype Font Files, Windows Cabinet File, Windows Command Files, Windows File Shortcut, Windows Help Files, Windows Metafiles and Enhanced Metafiles, Windows Spool Files, Windows System File.

14. **DEDUPLICATION**

2.1

Each Producing Party shall make reasonable efforts to globally deduplicate exact duplicate Documents within that Producing Party's ESI data set across all custodial and non-custodial sources at the family level using either MD5 hash values or SHA hash values or any other agreed-upon (and disclosed) industry-standard deduplication technology. The Parties shall reach agreement on such other deduplication technology and shall reach agreement on how their deduplication tools shall identify exact duplicates of documents in a manner that is consistent with the disclosed tools and technologies a Producing Party is using. The Parties shall reach agreement on how to identify exact duplicates of emails using industry-standard commercially available software tools or services, which may for example calculate hash values of emails based on concatenated values of agreed-upon email fields and/or hash values of attachments, or which may use any other method the Parties agree upon. Having further met and conferred in keeping with the previous sentence, the Parties shall calculate deduplication hash values for emails on the concatenated values set forth in and in accordance with the documentation specifications of the disclosed deduplication tools to be used in this Litigation (i.e., RelativityOne, Relativity Server,

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and Nuix); however, if Nuix is used, the Producing Party shall select the optional field "Include Bcc" as an additional field to add to the default ones.

The Parties shall not withhold from production near-duplicates without meeting and conferring on this issue.

The names of all custodians who were either identified as custodians for purposes of collection for this matter (or otherwise known by the Producing Party to have been in possession or custody of a document prior to deduplication) will be populated in the ALL CUSTODIANS metadata field for the produced version of a document that has duplicates removed from production. The original file paths (if any exist) of a document prior to deduplication will be populated in the ALL FILE PATHS metadata field of the produced document.

15. **EMAIL THREADING**

The Parties may use analytics technology to identify email threads and shall produce the unique most inclusive copy and related family members. Where multiple email messages are part of a single chain or "thread," a Party is only required to produce the most inclusive copy of an email message(s) ("Last In Time Email(s)") and need not produce earlier, lesser inclusive email messages or "thread members," provided that the tool or software service being used to perform threading is disclosed. A Producing Party may exclude from production lesser inclusive copies of the most inclusive email message in the thread, where the entire body of each of those lesser inclusive copies is included within the Last in Time Email. The Producing Party will honor reasonable requests to produce lesser inclusive copies of a Last In Time Email or other earlier chains of emails otherwise excluded by email thread suppression.

The Parties shall treat new or different email chains or threads pursuant to further agreement on safeguards or guidelines for defining emails threads which reasonably take into account the capabilities of the email threading/dethreading/hyperthreading tools used by each Defendant (which shall be disclosed to Plaintiffs).

SOURCE CODE 16.

The Parties will meet and confer to address the production and/or inspection of source code and entering into a separate order governing the same if needed.

17. PRODUCTION FORMATS

2.1

The Parties agree to produce documents and data in the formats described in **Appendix 1** to this ESI Order. If particular documents or categories of documents identified in response to document requests warrant a different format, the Parties will cooperate to arrange for the mutually acceptable production of such documents. The Parties further agree not to degrade the searchability of documents as part of the document production process.

In addition, the Parties agree that the production and production format of social media and/or user account information is not covered by this agreement and to meet and confer on the production and production format, including metadata, for social media and/or user account information.

18. PHASING

Once the Parties begin propounding discovery requests pursuant to Fed. R. Civ. P. 34, the Parties agree to meet and confer regarding appropriate phasing for the production of ESI.

19. MISCELLANEOUS PROVISIONS

- a) Production of Plaintiffs ESI and Case-Specific Materials. Subject to any further agreement among the Parties or Order of the Court, the Parties shall produce case-specific documents (i.e., documents specific to the claim of a given Plaintiff, produced by Plaintiffs or Defendants) for any Plaintiff in discovery pools or other selections designed to inform bellwether selection, including those selected for a bellwether trial, in accordance with the production format specified herein, provided, however, that the Producing Party may elect to produce such materials in their native format. To the extent production of case-specific documents for any Plaintiff selected for a bellwether trial presents an issue for any Party, the Parties shall reasonably confer, and may present any disputes to the Court or its designee. The Parties shall further agree to confer concerning the production format and associated matters (e.g., hosting platform) for case-specific documents produced in the cases of other Plaintiffs.

 Nothing herein shall limit Defendant's right to seek discovery from any Plaintiff.
- b) Translations Of Produced Materials. The Producing Party has no obligation to

create a translation of the Documents or any portion thereof. For any foreign-language documents responsive to document requests that a Party reasonably knows as the result of a reasonable investigation have been translated into the English language using human translators or through machine translation for its own purposes, except to the extent such translation is protected by attorney-client or work-product privileges, the Producing Party shall produce the translation of the original document with the original. The parties will meet and confer as necessary concerning procedures for using translations at depositions and at trial. In the event the Parties cannot reach agreement, the matter may be submitted to the Court for determination.

- c) Third-Party Documents. A Party that issues a Non-Party subpoena ("Issuing Party") shall include a copy of this Order with the subpoena and state that (1) the subpoenaed Non-Party should produce Documents in response to the subpoena to all Parties; and (2) the Parties to this Litigation have requested that Third Parties produce Documents in accordance with the specifications set forth herein. If the subpoenaed Non-Party produces Documents to the Issuing Party but does not produce those Documents to other Parties, the Issuing Party shall produce such Documents to those other Parties within 14 days of receiving the Documents, except where the Documents are to be used in a deposition, in which case the Issuing Party shall produce such Documents to all other Parties no later than three (3) days prior to the deposition, or as soon as reasonably practicable if such production occurs thereafter. Nothing in this Order is intended or may be interpreted to narrow, expand, or otherwise affect the rights of the Parties or Third Parties to object to a subpoena. If the Non-Party production is not Bates-stamped, the Parties will meet and confer to agree upon a format for designating the documents with a unique Bates Number prefix.
- d) <u>Documents Produced by Parties Presumption of Authenticity</u>. In order to reduce the number of requests for admission, this Order establishes a rebuttable presumption that documents produced by the Parties are authentic, if said documents were either created or authored by the producing Party, or any of its employees, agents, or

contractors, so long as the employees', agents', or contractors' work was performed in connection with a project or assignment sponsored by the producing Party. No further evidence to establish authenticity need be provided. Nothing in this paragraph shall be deemed to waive any other evidentiary objection a party may have, including but not limited to hearsay, foundation/personal knowledge, or relevance.

- e) **Re-productions.** Notwithstanding any provisions to the contrary, re-production of discrete sets of documents from another litigation, arbitration, government inquiry, or other matter may be re-produced in the same manner and form as originally produced in the other matter, provided however that a party will re-produce documents in a different format for good cause shown. This provision does not waive the right of a party to object to any requests for reproduction of production files from another litigation, arbitration, government inquiry, or other matter.
- f) Modification. This ESI Order may be modified by a Stipulated Order of the Parties or by the Court for good cause shown.
- g) Good Faith. The Parties will act in good faith as required by law and use these procedures to identify and reduce the potential for disputes.
- h) **Continuing Obligations**. The Parties recognize that discovery shall be an iterative and cooperative process. The Parties will continue to meet and confer regarding any issues as reasonably necessary and appropriate. This Order does not address or resolve any objections to the Parties' respective discovery requests.
- i) **Reservation of Rights**. The Parties agree that any topic not addressed herein is neither a waiver nor acknowledgement of agreement by either Party.
- **IT IS SO STIPULATED**, through Counsel of Record.

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1	DATED: March 15, 2024	Respectfully submitted,
2		<u>/s/ Lexi J. Hazam</u> LEXI J. HAZAM
3		LEXI J. HAZAM LIEFF CABRASER HEIMANN &
4		BERNSTEIN, LLP
		275 BATTERY STREET, 29 _{TH} FLOOR SAN FRANCISCO, CA 94111-3339
5		Telephone: 415-956-1000
6		lhazam@lchb.com
7		PDELVDA WAA PDELV
8		PREVIN WARREN MOTLEY RICE LLC
9		401 9th Street NW Suite 630
10		Washington DC 20004 T: 202-386-9610
		pwarren@motleyrice.com
11		Co-Lead Counsel
12		
13		CHRISTOPHER A. SEEGER SEEGER WEISS, LLP
14		55 CHALLENGER ROAD, 6TH FLOOR
15		RIDGEFIELD PARK, NJ 07660 Telephone: 973-639-9100
		Facsimile: 973-679-8656
16		cseeger@seegerweiss.com
17		Counsel to Co-Lead Counsel
18		JENNIJE I EE ANIDERGON
19		JENNIE LEE ANDERSON ANDRUS ANDERSON, LLP
20		155 MONTGOMERY STREET, SUITE 900
21		SAN FRANCISCO, CA 94104 Telephone: 415-986-1400
		jennie@andrusanderson.com
22 23		Liaison Counsel
24		MATTHEW BERGMAN
25		GLENN DRAPER SOCIAL MEDIA VICTIMS LAW CENTER
		821 SECOND AVENUE, SUITE 2100
26		SEATTLE, WA 98104 Telephone: 206-741-4862
27		matt@socialmediavictims.org
28		glenn@socialmediavictims.org

	C & Sees 4: 2:32 2 vr 10.5 0 438 47 G PG PD o Doort ermite 10 1.6 930 FFFF leet 10073 21/8 7224 Prengge 2552 of 1343 9		
1	LAMES I DIL SPORDOW		
1	JAMES J. BILSBORROW WEITZ & LUXENBERG, PC		
2	700 BROADWAY		
3	NEW YORK, NY 10003		
	Telephone: 212-558-5500		
4	Facsimile: 212-344-5461 jbilsborrow@weitzlux.com		
5	PAIGE BOLDT		
6	WATTS GUERRA LLP		
U	4 Dominion Drive, Bldg. 3, Suite 100		
7	San Antonio, TX 78257 T: 210-448-0500		
8	PBoldt@WattsGuerra.com		
9	THOMAS P. CARTMELL		
10	WAGSTAFF & CARTMELL LLP		
10	4740 Grand Avenue, Suite 300		
11	Kansas City, MO 64112 T: 816-701 1100		
12	tcartmell@wcllp.com		
13	JAYNE CONROY		
14	SIMMONS HANLY CONROY, LLC		
14	112 MADISON AVE, 7TH FLOOR		
15	NEW YORK, NY 10016 Telephone: 917-882-5522		
16	jconroy@simmonsfirm.com		
	CARRIE GOLDBERG		
17	C.A. GOLDBERG, PLLC		
18	16 Court St. Brooklyn, NY 11241		
19	T: (646) 666-8908		
	carrie@cagoldberglaw.com		
20	SIN-TING MARY LIU		
21	AYLSTOCK WITKIN KREIS &		
22	OVERHOLTZ, PLLC		
	17 EAST MAIN STREET, SUITE 200		
23	PENSACOLA, FL 32502 Telephone: 510-698-9566		
24	mliu@awkolaw.com		
25	ANDRE MURA		
26	GIBBS LAW GROUP, LLP		
	1111 BROADWAY, SUITE 2100		
27	OAKLAND, CA 94607 Telephone: 510-350-9717		
28	amm@classlawgroup.com		

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1	
2	
3	EMMIE PAULOS
	LEVIN PAPANTONIO RAFFERTY 316 SOUTH BAYLEN STREET, SUITE 600
4	PENSACOLA, FL 32502
5	Telephone: 850-435-7107
6	epaulos@levinlaw.com
	ROLAND TELLIS
7	DAVID FERNANDES
8	BARON & BUDD, P.C.
9	15910 Ventura Boulevard, Suite 1600
,	Encino, CA 91436 Telephone: (818) 839-2333
10	Facsimile: (818) 986-9698
11	rtellis@baronbudd.com
	dfernandes@baronbudd.com
12	ALEXANDRA WALSH
13	WALSH LAW
14	1050 Connecticut Ave, NW, Suite 500
	Washington D.C. 20036
15	T: 202-780-3014 awalsh@alexwalshlaw.com
16	a waish waishia wieom
17	MICHAEL M. WEINKOWITZ
17	LEVIN SEDRAN & BERMAN, LLP
18	510 WALNUT STREET SUITE 500
19	PHILADELPHIA, PA 19106
1)	Telephone: 215-592-1500
20	mweinkowitz@lfsbalw.com
21	DIANDRA "FU" DEBROSSE ZIMMERMANN
22	DICELLO LEVITT
	505 20th St North
23	Suite 1500 Birmingham, Alabama 35203
24	Telephone: 205.855.5700
25	fu@dicellolevitt.com
26	
27	
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	Casaes 4: 22:22 vn 005-0438-47/GFG FD o Doucremetal 6-90 Hilleed 0073/2145/224 Pragge 25:45 of 13039		
1	HILLARY NAPPI HACH & ROSE LLP		
2	112 Madison Avenue, 10th Floor		
3	New York, New York 10016 Tel: 212.213.8311		
4	hnappi@hrsclaw.com		
5	JAMES MARSH		
6	MARSH LAW FIRM PLLC 31 HUDSON YARDS, 11TH FLOOR		
7	NEW YORK, NY 10001-2170		
	Telephone: 212-372-3030		
8	jamesmarsh@marshlaw.com		
9	Attorneys for Individual Plaintiffs		
10	ROB BONTA		
11	Attorney General		
12	State of California		
13	<u>/s/ Megan O'Neill</u> Nick A. Akers (CA SBN 211222)		
1.4	Senior Assistant Attorney General		
14	Bernard Eskandari (SBN 244395)		
15	Supervising Deputy Attorney General		
16	Megan O'Neill (CA SBN 343535) Joshua Olszewski-Jubelirer		
	(CA SBN 336428)		
17	Marissa Roy (CA SBN 318773)		
18	Deputy Attorneys General California Department of Justice		
19	Office of the Attorney General		
20	455 Golden Gate Ave., Suite 11000 San Francisco, CA 94102-7004		
	Phone: (415) 510-4400		
21	Fax: (415) 703-5480		
22	Bernard.Eskandari@doj.ca.gov		
23	Attorneys for Plaintiff the People of the State of California		
24			
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1	RUSSELL COLEMAN		
2	Attorney General		
3	Commonwealth of Kentucky		
4	/s/ J. Christian Lewis		
	J. Christian Lewis (KY Bar No. 87109),		
5	Pro hac vice		
6	Philip Heleringer (KY Bar No. 96748), Pro hac vice		
7	Zachary Richards (KY Bar No. 99209),		
7	Pro hac vice app. forthcoming		
8	Daniel I. Keiser (KY Bar No. 100264),		
0	Pro hac vice		
9	Matthew Cocanougher (KY Bar No. 94292),		
10	Pro hac vice Assistant Attorneys General		
11	1024 Capital Center Drive, Suite 200		
11	Frankfort, KY 40601		
12	CHRISTIAN.LEWIS@KY.GOV		
13	PHILIP.HELERINGER@KY.GOV		
13	ZACH.RICHARDS@KY.GOV DANIEL.KEISER@KY.GOV		
14	MATTHEW.COCANOUGHER@KY.GOV		
15	Phone: (502) 696-5300		
16	Fax: (502) 564-2698		
	Attorneys for Plaintiff the Commonwealth of		
17	Kentucky		
18			
19			
20			
21			
22			
23			
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1	COVINGTON & BURLING LLP
2	Dry /a/Aahlan M. Simongan
	By: /s/ Ashley M. Simonsen Ashley M. Simonsen, SBN 275203
3	COVINGTON & BURLING LLP
4	1999 Avenue of the Stars
5	Los Angeles, CA 90067 Telephone: (424) 332-4800
6	Facsimile: + 1 (424) 332-4749
	Email: asimonsen@cov.com
7	Phyllis A. Jones, pro hac vice
8	Paul W. Schmidt, pro hac vice
9	COVINGTON & BURLING LLP
9	One City Center 850 Tenth Street, NW
10	Washington, DC 20001-4956
11	Telephone: + 1 (202) 662-6000
11	Facsimile: + 1 (202) 662-6291
12	Email: pajones@cov.com
13	Attorney for Defendants Meta Platforms, Inc.
14	f/k/a Facebook, Inc.; Facebook Holdings,
	LLC; Facebook Operations, LLC; Facebook
15	Payments, Inc.; Facebook Technologies, LLC; Instagram, LLC; Siculus, Inc.; and Mark Elliot
16	Zuckerberg
17	FAEGRE DRINKER LLP
18	By: /s/ Andrea Roberts Pierson
10	Andrea Roberts Pierson, pro hac vice
19	FAEGRE DRINKER LLP 300 N. Meridian Street, Suite 2500
20	Indianapolis, IN 46204
	Telephone: +1 (317) 237-0300
21	Facsimile: +1 (317) 237-1000
22	Email: andrea.pierson@faegredrinker.com
23	Amy R. Fiterman, pro hac vice
24	FAEGRE DRINKER LLP 2200 Wells Fargo Center
	90 South Seventh Street
25	Minneapolis MN 55402
26	Telephone: +1 (612) 766 7768
27	Facsimile: + 1 (612) 766 1600 Email: amy.fiterman@faegredrinker.com
	Email: amy.morman@racgreatmker.com
28	Geoffrey M. Drake, pro hac vice

KING & SPALDING LLP 1180 Peachtree Street, NE, Suite 1600 Atlanta, GA 30309 Telephone: 14 (044) 572 4726 Email: gdrake@kslaw.com		C. 633358 4: 2.32 2 vn 00.5 043 8 47 G PG PD o Dourcuennie 10 1. 6-930 PFF leed 10073 21/5 22/4 Pragge 215/8 off 3103 9
1180 Peachtree Street, NE, Suite 1600 Atlanta, GA 30309 Telephone: +1 (404) 572 4726 Email: gdrake@kslaw.com		
1180 Peachtree Street, NE, Suite 1600 Atlanta, GA 30309 Telephone: +1 (404) 572 4726 Email: gdrake@kslaw.com	1	
Atlanta, GA 30309 Tclcphone: +1 (404) 572 4726 Email: gdrake@kslaw.com David P. Mattern, pro hac vice KING & SPALDING LLP 1700 Pennsylvania Avenue, NW, Suite 900 Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4007 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 687-3702 Email: victoria.degtyareva@mto.com Email: victoria.degtyareva@mto.com Email: Ariel. Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Tclcphone: (202) 220-2300 Email: roce, belemile. (202) 220-1100 Facsimile: (202) 220-2300 Email: roce, one	1	
Email: gdrake@kslaw.com	2	·
David P. Mattern, pro hac vice KING & SPALDING LLP 1700 Pennsylvania Avenue, NW, Suite 900 Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 687-3702 Email: rose.chler@mto.com Email: Ariel.Teshuva@mto.com	3	
David P. Mattern, pro hac vice KING & SPALDING LLP 1700 Pennsylvania Avenue, NW, Suite 900 Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com Attorneys for Defendants TikTok Inc. and ByteDance Inc.	4	Email: gdrake@kslaw.com
1700 Pennsylvania Avenue, NW, Suite 900 Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com		· •
Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com	5	
Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavi	6	
## Attorneys for Defendants TikTok Inc. and ByteDance Inc. ### MUNGER, TOLLES & OLSEN LLP ### By: Ss Jonathan H. Blavin Jonathan H. Blavin, SBN 230269 ### MUNGER, TOLLES & OLSON LLP ### Solom Mission Street, 27th Floor San Francisco, CA 94105-3089 ### Telephone: (415) 512-4000 ### Facsimile: (415) 512-4077 ### Email: jonathan.blavin@mto.com ### Rose L. Ehler (SBN 29652) ### Victoria A. Degtyareva (SBN 284199) ### Laura M. Lopez, (SBN 313450) ### Ariel T. Teshuva (SBN 324238) ### MUNGER, TOLLES & OLSON LLP ### 350 South Grand Avenue, 50th Floor ### Los Angeles, CA 90071-3426 ### Telephone: (213) 687-3702 ### Email: rose.ehler@mto.com ### Email: victoria.degtyareva@mto.com ### Email: victoria.degtyareva@mto.com ### Email: victoria.degtyareva@mto.com ### Email: Ariel.Teshuva@mto.com ### Email: Ariel.Teshuva@mto.com ### Email: Ariel.Teshuva@mto.com ### Email: Ariel.Teshuva@mto.com ### Email: Victoria.degtyareva@mto.com ### Email: Ariel.Teshuva@mto.com ### Email: Ariel.Tesh	7	
## Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP	Q	Email: dmattern@kslaw.com
MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavin Jonathan H. Blavin SBN 230269 MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4007 Email: jonathan.blavin@mto.com		Attorneys for Defendants TikTok Inc. and
MUNGER, TOLLES & OLSON LLP	9	ByteDance Inc.
Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	10	MUNGER, TOLLES & OLSEN LLP
MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com	11	
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San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com	12	·
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Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com 23 Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	16	·
Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	17	
MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com		1 ' \
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Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	19	·
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Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	21	Email: rose.ehler@mto.com
Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	22	
Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	23	Email: Ariel. I esnuva@mto.com
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Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	24	· ·
Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	25	·
Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	26	S ·
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1	Attorneys for Defendant Snap Inc.
2	WILSON SONSINI GOODRICH & ROSATI
3	Professional Corporation
3	By: /s/ Brian M. Willen
4	Brian M. Willen (<i>pro hac vice</i>) WILSON SONSINI GOODRICH & ROSATI
5	1301 Avenue of the Americas, 40th Floor
(New York, New York 10019
6	Telephone: (212) 999-5800
7	Facsimile: (212) 999-5899 Email: bwillen@wsgr.com
8	Eman. bwmen@wsgr.com
	Lauren Gallo White
9	Samantha A. Machock
10	WILSON SONSINI GOODRICH & ROSATI One Market Plaza, Spear Tower, Suite 3300
11	San Francisco, CA 94105
11	Telephone: (415) 947-2000
12	Facsimile: (415) 947-2099
13	Email: lwhite@wsgr.com
	Email: smachock@wsgr.com
14	Christopher Chiou
15	WILSON SONSINI GOODRICH & ROSATI
1.0	953 East Third Street, Suite 100
16	Los Angeles, CA 90013 Telephone: (323) 210-2900
17	Facsimile: (866) 974-7329
18	Email: cchiou@wsgr.com
19	Attorneys for Defendants YouTube, LLC, Google LLC, and Alphabet Inc.
20	EBC, una Impiacoti Inc.
21	WILLIAMS & CONNOLLY LLP
21	By: <u>/s/ Joseph G. Petrosinelli</u> Joseph G. Petrosinelli (<i>pro hac vice</i>)
22	ipetrosinelli@wc.com
23	Ashley W. Hardin (pro hac vice)
	ahardin@wc.com
24	680 Maine Avenue, SW
25	Washington, DC 20024 Telephone.: 202-434-5000
26	Fax: 202-434-5029
27	Attorneys for Defendants YouTube, LLC, Google
	LLC, and Alphabet Inc.
28	

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1	MORGAN, LEWIS & BOCKIUS LLP
2	By: <u>/s/ Stephanie Schuster</u> Stephanie Schuster (<i>pro hac vice</i>)
3	stephanie.schuster@morganlewis.com
	1111 Pennsylvania Avenue NW
4	NW Washington, DC 20004-2541 Tel.: 202.373.6595
5	Vandana D. Zwana Waisanan (SDN 247111)
6	Yardena R. Zwang-Weissman (SBN 247111) yardena.zwang-weissman@morganlewis.com
7	300 South Grand Avenue, 22nd Floor
8	Los Angeles, CA 90071-3132 Tel.: 213.612.7238
9	Delay Freeds (or I a vita)
10	Brian Ercole (<i>pro hac vice</i>) <u>brian.ercole@morganlewis.com</u> 600 Brickell Avenue, Suite 1600
11	Miami, FL 33131-3075
12	Tel.: 305.415.3416
13	Attorneys for Defendants YouTube, LLC and Google LLC
14	IT IS ORDERED that the foregoing Agreement is approved.
15	Tr is ordered that the foregoing Agreement is approved.
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17	Dated: March 18, 2024
	MAGISTRATE JUDGE PETER H. KANG
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APPENDIX 1: PRODUCTION FORMAT

1) **Production Components.** Except as otherwise provided below, ESI must be produced

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- in accordance with the following specifications:

 a) an ASCII delimited data file (.DAT) using standard delimiters;
- b) an image load file (.OPT) that can be loaded into commercially acceptable
 - production software (e.g. Concordance);
 - c) single page black-and-white TIFF images, or JPEG images when color is specified herein, or native files with single page placeholder TIFF images depending on the applicable production format for each type of file;
 - d) and document level .TXT files for all documents containing extracted full text or OCR text.
 - e) Family relationships between emails and their attachments, embedded files and their source document, and connected hardcopy documents will be maintained in production. Attachments should be consecutively produced with their parent.
 - f) If a particular document warrants a different production format, the Parties will cooperate in good faith to arrange for a mutually acceptable production format.
 - 2) Production Media and Access Controls. Productions must be encrypted and produced through secure electronic means, such as secure file sharing methods (e.g. FTP), or on CD, DVD, flash drive or external hard drive ("Production Media"). Each piece of Production Media must identify a production number corresponding to the production volume (e.g. "VOL001"). Each piece of Production Media must also identify: (a) the case caption; (b) the following label: "This media contains material subject to Court Ordered security measures"; (c) the Producing Party's name; (d) the production date; (e) the Bates Number range of the materials contained on the Production Media.

Nothing in this ESI Order will preclude or impair any and all protections provided the Parties by any Protective Order(s) agreed and entered into by the Parties. Parties will use best efforts to avoid the unnecessary copying or transmittal of produced documents. If questions arise, the Parties will meet and confer to ensure security concerns are addressed prior to the exchange of

any documents.

- aproduction sets. The Bates Numbers in the image load file must match the corresponding documents in the image load file should match the image load file must match the corresponding of the production. The total number of pages referenced in a production's image load file should match the total number of pages referenced in a production's image load file should match the total number of TIFF files in the production. All images must be assigned a unique Bates number that is sequential within a given document and across the production sets. The Bates Numbers in the image load file must match the corresponding documents' beginning Bates numbers in the data load file. The total number of documents in a production should match the total number of records in the data load file. Load files must not vary in format or structure within a production, or from one production to another except by agreement of the Parties.
- 4) Metadata Fields. Each of the metadata and coding fields set forth below that can be extracted should be produced for each document, except that if the field contains privileged information, that privileged information may be redacted. However, to the extent that metadata does not exist, is not available for any documents produced, this provision shall not be read to require any Party to extract, capture, collect, manually populate, or produce such metadata, with the exception of the following: (a) BEGBATES, (b) ENDBATES, (c) BEGATTACH, (d) ENDATTACH, (e) PRODVOL, (f) ALL CUSTODIANS, (g) CONFIDENTIALITY, (h) REDACTIONS, (i) REDACTION TYPE, (j) HASHVALUE, (k) NATIVEFILEPATH, and (l) TEXTFILEPATH, which should be populated by the Party or the Party's vendor. The Parties will make reasonable efforts to ensure that metadata fields automatically extracted from the documents correspond directly to the information that exists in the original documents.

Field Name	Field Description
BEGBATES	Beginning Bates number for a particular document as stamped on the first production image for that document
ENDBATES	Ending Bates number as stamped on the last

Field Name	Field Description
	production image for a particular document
BEGATTACH	First production Bates number of the first document in a family
ENDATTACH	Last production Bates number of the last document in a family
ATTACHCOUNT	Number of attachments to an e-mail or embedded parent, as generated by commercially available discovery processing tools.
ATTACHNAMES	Names of each individual Attachment, separated by semicolons.
PRODVOL	Production volume
ALLCUSTODIANS	List of all custodians associated with Document, i.e. "Custodian" + "Other Custodian" values delimited by semicolon.
ALLFILEPATHS	All original path(s) to the individual source file(s) when available in the ordinary course of business to and processable by the parties and their ESI vendors of choice. Includes paup to and including internal path of containers.
CONFIDENTIALITY	Confidentiality designation assigned to the document consistent with the Stipulated Protective Order governing this Litigation
NATIVEFILEPATH	Native File Link (Native Files only)
TEXTFILEPATH	Path to extracted text/OCR file for the document
HASHVALUE	MD5 hash value of the document
DOCUMENT TYPE	Descriptor for the type of document: "Edocument" for electronic documents not attached to e-mails; "E-mail" for all e-mails "E-attachment" for files that were attachment to e-mails; and "Physical" for hard copy physical documents that have been scanned and converted to an electronic image.
AUTHOR	Any value populated in the Author field of t

Field Name	Field Description
	document properties
DOCDATE	Date the document was created according to filesystem information (format: MM/DD/YYYY)
DATELASTMODIFIED	Date when document was last modified according to filesystem information (forma MM/DD/YYYY)
LAST MODIFIED BY	Last person who modified (saved) a document, as generated by commercially available discovery processing tools.
TRACK CHANGES	Y if a document with track changes value, otherwise N or empty, if available separate from the HASHIDDENDATA flag
COMMENTS	Y if a document with comments, otherwise or empty, if available separately from the HASHIDDENDATA flag
HASHIDDENDATA	Y if a document with hidden content value otherwise N or empty
FILENAME	Filename of an electronic document
TITLE	Any value populated in the Title field of th document properties
DOCEXT	File extension of document pulled from the document properties
FROM	The sender of the email
ТО	All recipients that were included on the "T line of the email
CC	All recipients that were included on the "C line of the email
BCC	All recipients that were included on the "BCC" line of the email
DATETIMERECEIVED	Date and time email was received (format: MM/DD/YYYY HH:MM)
DATETIMESENT	Date and time email was sent (format: MM/DD/YYYY HH:MM)

Field Name	Field Description
TIMEZONE	The timezone used to process the document
EMAILSUBJECT	Subject line of email pulled from the document properties
THREADID	If a threading tool is used for emails, the thread id generated by the threading tool.
REDACTION TYPE ¹	General category of redaction reason as agreed to by the parties. For example, PII, SCA, CODE, and/or PRIV. If more than one, separate reasons by semicolons.
REDACTIONS	Y if a document is redacted, otherwise N or empty

- 5) TIFFs. Unless excepted below, single page, black and white, Group IV TIFFs should be provided, at least 300 dots per inch (dpi) for all documents. Each TIFF image must be named according to a unique corresponding Bates number associated with the document. Each image must be branded according to the Bates number and the agreed upon confidentiality designation. Original document orientation should be maintained (i.e., portrait to portrait and landscape to landscape). Where the TIFF image is unreadable or has materially degraded the quality of the original, the Producing Party shall provide a higher quality TIFF image or the native or original file. In addition, the Parties shall take reasonable efforts to process word processing documents (e.g., MS Word) with track changes and/or comments unhidden on the TIFF image.
- 6) Color. Word processing documents containing tracked changes shall be produced in color, as single-page, 300 dpi JPG images with JPG compression and a high quality setting as to not degrade the original image. The Producing Party shall comply with good faith by the Requesting Party to provide replacement color images for documents originally produced in black and white. A Party making such a request shall make the request by individual Bates

¹ The Parties will provide specific information on any privilege(s) asserted in their privilege logs, in an overlay, or the redaction boxes. The "Redaction Reason" field is informational only for redaction type and shall not in any way limit a party's right to assert attorney-client privilege, attorney-work product privilege, and/or any other applicable privilege or protection.

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number(s) and shall limit requests made pursuant to this paragraph to a reasonable number of documents.

- **7**) **Text Files.** A single multi-page text file must be provided for each document, and the filename should match its respective TIFF filename for the first page of that document. Extracted text shall be generated with commercially acceptable technology set to include all comments, revisions, tracked changes, speaker's notes and text from documents with comments or tracked changes, and hidden and very hidden worksheets, slides, columns and rows. When possible, the text of native files should be extracted directly from the native file. Parties will perform optical character recognition ("OCR") on foreign language documents using the appropriate settings for languages reasonably anticipated to be in the production following a meet and confer with the Requesting Party to identify those languages. Text files will not contain the redacted portions of the documents. A commercially acceptable technology for OCR should be used for all scanned, hard copy documents and for documents with redactions other than Excel files and other spreadsheets which shall be redacted in native format. Text extracted from emails should include the following header information where available: (1) the individuals to whom the communication was directed ("To"), (2) the author of the email communication ("From"), (3) who was copied and blind copied on such email ("CC" and "BCC"), (4) the subject line of the email ("RE" or "Subject"), and (5) the date and time of the email. To the extent the text extraction technology the Parties are using can be configured to include the text of any URLs or links, the Parties shall utilize that setting.
- Native files. Spreadsheets (*e.g.* MS Excel), and un-redacted presentations (e.g. Microsoft PowerPoint,) will be produced in native format to the extent that they are produced in this Litigation, audio, video, and multi-media files will be produced in native format. The Parties will meet and confer on the production of other file types, such as proprietary files, etc. Native files will be produced with a link in the NATIVEFILEPATH field, along with extracted text (where extracted text is available) and applicable metadata fields set forth in paragraph 4 above. A Bates numbered TIFF placeholder indicating that the document was provided in native format must accompany every native file. Where redaction makes production of native-format

files other than spreadsheets or presentations infeasible, the Parties will confer to determine a reasonably usable form for the production, but spreadsheets shall presumptively be redacted in native, and presentations presumptively redacted in image form, in these cases without the need for further conferring.

- hardcopy will be scanned to *.tiff image format and produced in accordance with the specifications set forth herein. Hard copy documents that are not text-searchable shall be made searchable by OCR prior to production. In scanning paper documents, distinct documents should not be merged into a single record, and single documents should not be split into multiple records (i.e., paper documents should be logically unitized). In the case of an organized compilation of separate documents (for example, a binder containing several separate documents behind numbered tabs), the document behind each tab should be scanned separately, but the relationship among the documents in the compilation should be reflected in the proper coding of the beginning and ending document and attachment fields. The Parties will make their best efforts to unitize the documents correctly. If relevant documents are maintained in a file, folder, envelope, binder, notebook or similar container used to store documents, all contents therein shall be reviewed for production and privilege. Document pages which have affixed notes, such as Post-it notes, should be imaged with and without the note attached.
- **10)** Confidentiality Designation. All images will be stamped with the appropriate confidentiality designations in accordance with the Stipulated Protective Order entered in this Litigation. Each document produced in native format will have its confidentiality designation identified in the filename of the native file and indicated on its corresponding TIFF placeholder.
- 11) Bates Numbering. Bates numbering should be a consistent length across the production, contain no special characters, and be numerically sequential within a given document. If a Bates number or set of Bates numbers is skipped, the skipped number or set of numbers should be noted with a placeholder. Attachments to documents will be assigned Bates numbers that directly follow the Bates numbers on the documents to which they were attached.

In addition, wherever possible, each image will have its assigned Bates number electronically "burned" onto the image.

- information is stored in a database, or database management system, or proprietary system or application which has is directed to data storage as one of its primary functions, the Producing Party will identify the database and platform to the Requesting Party. The Producing Party shall produce exports and reports about such responsive information stored in such database, where such exports and reports shall be in a reasonably usable form, and information may be produced in CSV format, tab-delimited text format, Microsoft Excel format, or Microsoft Access format. If there are future disputes over the production of information from a database, the Parties shall meet and confer in good faith in an attempt to reach any further agreements (if needed) on the data to be produced and the format and scope of the production. The Producing Party will provide reasonable amounts of information about the databases to facilitate that discussion.
- inside a responsive document (including hyperlinked inside emails) within a Producing Party's custody, possession, or control, do not need to be produced in the first instance as part of the same family group as the Document residing at the location to which that hyperlink points. If there are particular hyperlinks identified by the Requesting Party in produced documents, the Requesting Party may submit a list of hyperlinks to a particular Producing Party for potentially relevant documents by identifying the Bates number and URL or link text for each requested link to the Producing Party, and the Producing Party will engage in reasonable efforts to locate the hyperlinked document at that location and either identify it by Bates number or provide any responsive, non-produced, and non-privileged documents. The number of hyperlinks a Requesting Party may identify to a Producing Party shall not be excessive and shall be reasonable, proportional to the needs of the case, and not unduly burdensome.
- **14) Embedded Objects.** The Parties agree non-substantive embedded objects, including, but not limited to, logos, icons, emoticons, and footers, may be culled from a document set (but not a document) and need not be produced as separate documents by a

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Producing Party (i.e., such embedded objects will be produced within the document itself, rather than as separate documents). Embedded files, except for images (including but not limited to, logos, icons, emoticons), are to be produced as family groups. Embedded files should be assigned Bates numbers that directly follow the Bates numbers on the documents within which they are embedded.

- **15**) **Production of Family Groups and Relationships**. If any member of a family group is produced, all members of that group must also be produced or else logged as privileged, and no such member shall be withheld from production as a duplicate.
- Dynamic Fields. Documents with dynamic fields for file names, dates, and **16**) times will be imaged to show the field code (e.g., "[FILENAME]") where possible, rather than the values for such fields existing at the time the file is processed.
- **17**) **Time Zone**. The time zone used to process a document, including its metadata, shall be disclosed in the TIMEZONE metadata field consistent with Appendix 1, and shall be standardized for each Defendant across productions.

18) Redactions.

- A Producing Party may redact (i) information subject to the attorney client a) privilege or the work product protection (PRIV); (ii) information that cannot be disclosed pursuant to the Stored Communications Act (SCA); (iii) source code subject to separate agreement applicable to production of source code (CODE); (iv) personal identifying information (PII) including phone numbers, personal addresses, personal email addresses, the month and day of birth, driver's license numbers, and other PII agreed to by the Parties (for example, the Parties shall complete their meet and confer on whether or not to redact users' ages and years of birth). In any event, there shall be no redaction of illnesses, injuries, and medical diagnoses. To the extent a document or pleading contains PII, the Parties shall designate such documents at the appropriate Confidentiality level under the Protective Order and shall comply with Fed. R. Civ. P. 5.2 with regard to filings with the Court.
- No redactions for relevance may be made within a produced document or ESI b) item. If, during the course of discovery, the Parties identify other kinds of information that any STIP. & [Proposed] Order Governing the

Party has a reasonable basis for redacting, the Parties will meet and confer on a case-by-case basis regarding that information before such redactions are made. If the Parties cannot agree, they may seek resolution from the Court.

- c) The Producing Party will indicate, on the face of the redaction, the asserted reason(s) for the redaction (PII, SCA, CODE, and/or PRIV) and the REDACTION TYPE metadata field shall indicate that the document contains redactions and the reason(s) for the redaction.
- d) Notwithstanding the foregoing, this provision shall not be read to prohibit redactions permitted under any applicable U.S. law or Protective Order.
- e) Where a responsive document contains both redacted and non-redacted content, the Parties shall produce the non-redacted portions of the document and the OCR text corresponding to the non-redacted portions.
- f) Native Redactions. Spreadsheet files requiring redaction, including without limitation Microsoft Excel files, shall be redacted and produced natively (unless the Parties agree to production in some other format). In addition, a Producing Party may natively redact other files that cannot be properly imaged for redaction.
- g) All images of redacted files shall be processed to show all comments, revision marks, speaker notes, marks made in track changes, or other user-entered data which are visible in a normal view of the document in its native application, unless such material is redacted and marked as redacted in accordance with this section. Where possible, any occurrences of date/time auto-field items, including in headers and footers, will be removed and replaced with the term AUTODATE to prevent the current date from being printed. Email header information (e.g., date and/or subject line) shall not be redacted unless it is independently privileged. The Parties shall honor reasonable requests for the production of particular redacted documents in other formats where the image is not reasonably usable.
- h) Color. Redacted versions of documents that would have been produced in color in their un-redacted form shall be produced in color as detailed herein.

-) **Exception Files**. The Parties will use reasonable efforts to address processing exceptions.
- data that can reasonably be extracted and produced in the formats described herein is identified on a mobile or handheld device, that data shall be produced in accordance with the generic provisions of this protocol. To the extent that responsive data identified on a mobile or handheld device is not susceptible to normal production protocols, the Parties will meet and confer to address the identification, production, and production format of any responsive documents and data contained on any mobile or handheld device.

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BEIJING BOSTON BRUSSELS DUBAI FRANKFURT
JOHANNESBURG LONDON LOS ANGELES NEW YORK
PALO ALTO SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP The New York Times Building 620 Eighth Avenue New York, NY 10018-1405 T +1 212 841 1000

DELIVERED VIA PROCESS SERVER

July 17, 2024

Kentucky Department of Education 300 Sower Blvd. 5th Floor Frankfort, KY 40601

Re: People of the State of California v. Meta Platforms, Inc., 4:23-cv-05448

Dar Sir/Madam:

Enclosed please find a subpoena being served upon you in connection with the above-captioned litigation currently pending in the U.S. District Court for the Northern District of California. I represent Defendants Meta Platforms, Inc.; Instagram, LLC, Meta Payments, Inc., Meta Platforms Technologies, LC and Mark Zuckerberg (collectively, the "Meta Defendants") in this matter.

The document subpoena requests the production of specific documents identified in the attached subpoena (see Attachment A to the subpoena), which are requested to be produced by 10 am on August 19, 2024. We are willing to work with you on the time, date, location, method and manner of document production, as well as answer any questions or concerns you may have regarding subpoena compliance. It is sufficient compliance with this subpoena if you electronically transmit a copy of the requested documents to the undersigned. As such, please contact me at cyeung@cov.com and 212-841-1262, to discuss document production and subpoena compliance, unless you are already represented by counsel in connection with this matter.

The Court is currently considering whether the Kentucky Attorney General's Office has control over Kentucky Department of Education's information for the purposes of discovery in this action. If the Court rules that the Kentucky Attorney General's Office has control over the Kentucky Department of Education's information, the Kentucky Attorney General has pending discovery requests that seek this agency's documents. By serving this subpoena, Meta does not waive its position in the state agency dispute, nor does Meta in any way waive rights to compel the Kentucky Attorney General to produce Kentucky Department of Education information as part of discovery in this action. However, to avoid further delay in the production of information from the Kentucky Department of Education, Meta is serving the attached subpoena to request the timely production of this information.

Your anticipated time and assistance with this matter is greatly appreciated.

COVINGTON

Kentucky Department of Education July 17, 2024 Page 2

Best regards,

/s/ Christopher Y. L. Yeung

Christopher Y. L. Yeung

Enclosed: Subpoena, Attachment A, and Attachment B

United States District Court

for the

Northern District of California

People of the State of California, et al.)
Plaintiff	- <i>'</i>)
V.) Civil Action No. 4:23-cv-05448
Meta Platforms, Inc., et al.)
Defendant	·
	CUMENTS, INFORMATION, OR OBJECTS N OF PREMISES IN A CIVIL ACTION
To: Kentucky Department of Education	
300 Sower Blvd., 5th Floor, Frankfort, KY 40601	
(Name of person	n to whom this subpoena is directed)
documents, electronically stored information, or object material: See Attachment A.	s, and to permit inspection, copying, testing, or sampling of the
Place: Kentucky Reporters	Date and Time:
	NDED to permit entry onto the designated premises, land, or
Louisville, KY 40202 ☐ Inspection of Premises: YOU ARE COMMA other property possessed or controlled by you at the tim	
Louisville, KY 40202 Inspection of Premises: YOU ARE COMMA other property possessed or controlled by you at the tin may inspect, measure, survey, photograph, test, or sam Place: The following provisions of Fed. R. Civ. P. 45 Rule 45(d), relating to your protection as a person subjection to this subpoena and the potential consequence	NDED to permit entry onto the designated premises, land, or ne, date, and location set forth below, so that the requesting party ple the property or any designated object or operation on it. Date and Time: are attached – Rule 45(c), relating to the place of compliance; ect to a subpoena; and Rule 45(e) and (g), relating to your duty to
Louisville, KY 40202 ☐ Inspection of Premises: YOU ARE COMMA other property possessed or controlled by you at the tin may inspect, measure, survey, photograph, test, or sam Place: The following provisions of Fed. R. Civ. P. 45 Rule 45(d), relating to your protection as a person subjection to this subpoena and the potential consequence Date:07/17/2024	NDED to permit entry onto the designated premises, land, or ne, date, and location set forth below, so that the requesting party ple the property or any designated object or operation on it. Date and Time: are attached – Rule 45(c), relating to the place of compliance; ect to a subpoena; and Rule 45(e) and (g), relating to your duty to
Louisville, KY 40202 ☐ Inspection of Premises: YOU ARE COMMA other property possessed or controlled by you at the tin may inspect, measure, survey, photograph, test, or sam Place: The following provisions of Fed. R. Civ. P. 45 Rule 45(d), relating to your protection as a person subjection to this subpoena and the potential consequence	NDED to permit entry onto the designated premises, land, or ne, date, and location set forth below, so that the requesting party ple the property or any designated object or operation on it. Date and Time: are attached – Rule 45(c), relating to the place of compliance; ect to a subpoena; and Rule 45(e) and (g), relating to your duty to
Louisville, KY 40202 Inspection of Premises: YOU ARE COMMAN other property possessed or controlled by you at the tin may inspect, measure, survey, photograph, test, or same Place: The following provisions of Fed. R. Civ. P. 45 Rule 45(d), relating to your protection as a person subjective subposed and the potential consequence Date:	NDED to permit entry onto the designated premises, land, or ne, date, and location set forth below, so that the requesting party ple the property or any designated object or operation on it. Date and Time: are attached – Rule 45(c), relating to the place of compliance; ect to a subpoena; and Rule 45(e) and (g), relating to your duty to es of not doing so. OR /s/ Ashley Simonsen

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 4:23-cv-01615

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

☐ I served the subpoena by delivering a copy to the named person as follows:				
	on (date)	or		
abpoena unexecuted because:				
for travel and \$	for services, for a total of \$	0.00		
alty of perjury that this information i	s true.			
	Server's signature			
1	na was issued on behalf of the United ness the fees for one day's attendance	ubpoena unexecuted because:		

Additional information regarding attempted service, etc.:

Print Save As... Add Attachment Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

DEFINITIONS AND INSTRUCTIONS TO ATTACHMENT A

DEFINITIONS

- 1. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- 2. "Document" or "documents" shall have the broadest meaning ascribed to it by the Federal Rules of Civil Procedure, and includes, without limitation electronically stored information ("ESI") (including, without limitation, electronic databases and the data therein, all electronic messages or communications, electronic word processing documents, electronically stored voicemail, webpages, and social media posts) in accordance with any order in this case governing ESI at the time of production. Different versions of the same documents, including, but not limited to, drafts or documents with handwritten notations or marks not found in the original or on other copies are different documents.
 - 3. "You", "you", "Your" and "your" means the Kentucky Department of Education.
- 4. "Relating" or "related to" means and includes referring to, concerning, referencing, mentioning, associated with, constituting, discussing, containing, embodying, recording, reflecting, identifying, summarizing, incorporating, and/or dealing with or pertaining to in any way.
 - 5. "And" includes "or", and vice versa.
 - 6. The singular form of a word or term includes the plural, and vice versa.
 - 7. The present tense of a verb includes the past tense, and vice versa.
- 8. The use of the article "the" shall not be construed as limiting the scope of any request.
 - 9. "Including" means "including without limitation."

- 10. "Any" includes "all", and vice versa.
- 11. The capitalized version of a word or term includes the lower case version of a word or term, and vice versa.
- 12. "Social Media Platforms" or "Platforms" means a digital service that facilitates interactions between two or more distinct but interdependent sets of users, including but not limited to Facebook, Instagram, Snapchat, TikTok, YouTube, Twitter (or "X"), Pinterest, LinkedIn, BeReal, Lapse, Reddit, Threads, VSCO, Goodreads, Quora, Discord, Twitch, and Tumblr.
- 13. "Young Users" means users of Social Platforms who are under 18 years of age when using the Platform(s).

All words, terms, and phrases not specifically defined herein are to be given their normal and customary meaning in the context in which they are used in these Requests.

INSTRUCTIONS

- 1. These Requests are intended to cover any and all documents in your possession, custody, or control, to the extent not privileged. Documents held by any office, department, board, commission, or instrumentality of the Kentucky Department of Education are within your possession, custody, or control.
- 2. In accordance with ESI Protocol attached hereto as Attachment B, if you object to furnishing any of the documents or information requested by these Requests on the grounds of attorney-client privilege, work product, other privilege, or otherwise then, with respect to each such document:
 - a. state the nature of the privilege claimed;
 - b. state the date of each communication supporting the privilege claim;
 - c. identify all participants in the supporting communication;
 - d. state the specific grounds on which the objection is based; and

- e. identify the specific request calling for such information;
- 2. If you object to any Request on the grounds that it is vague or ambiguous, state: (i) the portions or terms of such Request that you claim to be vague or ambiguous; and (ii) the interpretation of the Request pursuant to which you provide a response.
- 3. Each request shall be deemed continuing, so as to require supplemental or mandatory responses should you obtain additional responsive information subsequent to your initial responses.
- 4. If you cannot fully respond to a particular Request after exercising due diligence to make inquiry and to secure the necessary information, provide a response to the extent possible, specifying your inability to respond to the remainder and providing whatever information or knowledge you have concerning the portion not responded to.
- 5. Each page of a produced document shall have a legible, unique page identifier ("Bates Number") and confidentiality legend (where applicable) on the face of the image at a location that does not obliterate, conceal, or interfere with any information from the source document. Redactions should be clearly marked or stamped on the page in such a way that it is clear from review that a portion of the image has been redacted.
- 6. All responsive and non-privileged electronic documents shall be produced in the format ordered by the Court in its ESI order.
- 7. All responsive electronic documents shall be produced in a format agreed upon by the parties, to include at least native versions of Excel spreadsheets and presentation files, with a Bates-stamped placeholder image.
- 8. Unless otherwise specified, the time period for these Requests is January 1, 2012 to the date of production of the Documents.

ATTACHMENT A

- 1. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of persons ages 13 to 18.
- 2. Programs, initiatives, efforts, or actions proposed or taken by the Kentucky Department of Education to encourage or promote the use of Social Media Platforms.
- 3. Programs, initiatives, efforts, or actions proposed or taken by Kentucky Department of Education to address Young Users' use of Social Media Platforms, including any program, initiative, effort, or action to prevent, limit, encourage, or promote the use of Social Media Platforms by Young Users.
- 4. Studies, programs, initiatives, efforts, or actions proposed or taken by the Kentucky Department of Education that sought to provide or promote internet access or phones, computers, tablets, or other electronic devices to Young Users.
- 5. Policies proposed, recommended, or enacted by the Kentucky Department of Education regarding screen time and acceptable use of cell phones, computers, tablets, or other electronic devices by Young Users.
- 6. Complaints to the Kentucky Department of Education by teachers regarding social media or cell phone use by Young Users and/or the need for acceptable use or other policies to address Young Users' use of social media or cell phones.
- 7. Complaints to the Kentucky Department of Education by teachers or school districts regarding budget crises from inflation, underfunding, unfunded mandates, and other causes.
- 8. Documents related to state assessment in Kentucky, including reports and analyses regarding the history of K-12 state assessment or standardized testing scores, performance by schools and/or school districts, and any other measures of school performance.
- 9. Kentucky Department of Education's communications and/or collaboration with any Social Media Platform on any program, initiative or other action related to, or directed at, Young Users.
- 10. Kentucky Department of Education's communications with any third party related to Young Users and/or Social Media Platforms.
- 11. Policies, procedures, and practices applicable to Kentucky Department of Education and Kentucky Department of Education employees regarding the use of Social Media Platforms, including any changes to these policies during the Relevant Period.

- 12. Legislation or policies proposed by, proposed on behalf of, or testified on by the Kentucky Department of Education, regardless of whether such legislation or policies were enacted, regarding Young Users' use of Social Media Platforms.
- 13. Research, investigations, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms, including the importance of Social Media Platforms and the use of Social Media Platforms by Young Users and the potential benefits and harms created by the use of Social Media Platforms.
- 14. Research, investigations, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms regarding the impact of social media on the mental, social, emotional, or behavioral health of Young Users.
- 15. Research, investigations, studies, surveys, reports, evaluations, or analyses related to:
 - a. Features of Social Media Platforms that are psychologically or physically harmful to Young Users;
 - b. Features of Social Media Platforms that promote compulsive, prolonged, or unhealthy use by Young Users;
 - c. The impact of features of Social Media Platforms, including:
 - (1) Algorithmic recommendation and sequencing;
 - (2) Image filters;
 - (3) Use of multiple user accounts;
 - (4) Infinite scroll;
 - (5) Ephemeral content features;
 - (6) Autoplay;
 - (7) Quantification and display of likes; or
 - (8) Audiovisual and haptic alerts.
- 16. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of Young Users, including those related to the effects of:
 - a. Social Media Platforms usage;
 - b. Video games usage;
 - c. Cell phone usage;
 - d. Messaging usage;
 - e. Usage of other electronics apart from usage of Social Media Platforms;
 - f. COVID-19 and/or remote learning;
 - g. Use of drugs or alcohol;
 - h. The opioid and fentanyl epidemic;
 - i. Poverty, homelessness, lack of health insurance, and/or food insecurity;
 - j. Physical health including nutrition, exercise, weight management, sleeping habits, and sexual activity;
 - k. Family trauma or deaths;
 - 1. Academic pressure;
 - m. Violence, including school violence, domestic violence, gun violence, gun control and/or mass shootings;

- n. Bullying or verbal abuse apart from usage of Social Media Platforms;
- o. Political polarization;
- p. Natural disasters;
- q. Climate change;
- r. Discrimination and inequity;
- s. Global warfare and conflict; and
- t. Any other potential causes of harms to the mental, social, emotional, or behavioral health of Young Users.
- 17. Youth Risk Behavior Surveys conducted by the Kentucky Department of Education or on its behalf.
- 18. Public or non-public meetings held by the Kentucky Department of Education related to Social Media Platforms and use of Social Media Platforms by Young Users, including notices, meeting notes, PowerPoint presentations, internal memoranda, summaries, personal notes, or attendee lists.
- 19. Mental, social, emotional, or behavioral health services provided by the Kentucky Department of Education to Young Users during the Relevant Period.
- 20. Budgeted and actual expenditures by the Kentucky Department of Education during the Relevant Period related to Young Users' use of Social Media Platforms.
- 21. Policies, procedures, and practices related to the Kentucky Department of Education's use of Social Media Platforms, including communication of information or promotion of Kentucky Department of Education programs, initiatives, efforts, or actions on Social Media Platforms.
- 22. Kentucky Department of Education's budget and actual expenditures during the Relevant Period, including expenditures on:
 - a. Digital advertisements by the Kentucky Department of Education on Social Media Platforms
 - b. Digital advertisements by the Kentucky Department of Education purchased through Social Media Platforms.

ATTACHMENT B

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5		SC DICTRICT COLUDT	
6	IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA		
7	FOR THE NORTHERN DIS.	I KICT OF CALIFORNIA	
9	IN RE: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation	MDL No. 3047 Case No. 4:22-md-03047-YGR	
1011	This document relates to: ALL ACTIONS	Honorable Yvonne Gonzalez Rogers Honorable Peter H. Kang	
12 13 14 15		STIPULATION AND [PROPOSED] ORDER GOVERNING THE PRODUCTION OF ELECTRONICALLY STORED INFORMATION AND HARD COPY DOCUMENTS	
1617	1. PURPOSE		
18	This Order Governing the Production of Ele	ectronically Stored Information and Hard Copy	
19	Documents ("ESI Order") will govern discovery of	f electronically stored information and any hard	
20	copy documents in this Litigation as a supplement to the Federal Rules of Civil Procedure, this		
21	District's Guidelines for the Discovery of Electronically Stored Information, and any other		
22	applicable orders and rules. "This Litigation" includes all actions currently in MDL No. 3047, In		
23	Re: Social Media Adolescent Addiction/Personal In	njury Products Liability, or hereafter added or	
24	transferred to MDL No. 3047, and all actions later	remanded to their respective transferor courts.	
25	2. DEFINITIONS		
26	a) "Document" is defined to be synonymous in meaning and equal in scope to the usage		
27	of this term in Rules 26 and 34 of the Federal Rules of Civil Procedure and shall		

include Hard-Copy Documents and ESI.

- b) "Electronically stored information" or "ESI," as used herein has the same meaning as in Federal Rules of Civil Procedure 26 and 34.
- c) "Hard-Copy Document" means Documents existing in paper form at the time of collection.
- d) "Searchable Text" means the native text extracted from an Electronic Document and any Optical Character Recognition text ("OCR text") generated from a Hard-Copy Document or electronic image.

3. COOPERATION

The Parties are aware of the importance the Court places on cooperation and commit to cooperate in good faith throughout this Litigation consistent with this Court's Guidelines for the Discovery of ESI and this Court's Rules of Professional Conduct. The Parties will endeavor to cooperate in good faith and be reasonably transparent in all aspects of the discovery process.

4. LIAISON

The Parties will identify Discovery Liaisons to each other who are and will be knowledgeable about and responsible for discussing their respective ESI. Any Party is free to change their designated Discovery Liaison by providing written notice to the other Parties. Each Party's Discovery Liaison must: (a) be prepared to meet and confer on discovery-related matters and to participate in discovery dispute resolution; (b) be knowledgeable about the Party's discovery efforts; (c) be, or have reasonable access to those who are, familiar with the Party's electronic systems and capabilities in order to explain those systems and answer relevant questions; and (d) be, or have reasonable access to those who are knowledgeable about the technical aspects of discovery, including electronic document storage, organization, and format issues, and relevant information retrieval technology, including search methodology.

5. IDENTIFICATION OF CUSTODIANS AND DATA SOURCES

The parties will disclose information about custodians and custodial and non-custodial data sources likely to possess relevant or responsive information in accordance with Fed. R. Civ. P. 26 and this District's ESI Guidelines. The Parties will participate in Rule 26(f) discussions guided by this District's Checklist for Rule 26(f) Meet and Confer Regarding Electronically

2.1

Stored Information. After responses to Requests for Production under Fed. R. Civ. P. 34 have been served, the parties will meet and confer regarding those custodians and custodial and non-custodial data sources from which Documents and ESI will be collected for search and review for potential production in this litigation. The custodian and data source exchanges will include brief explanations of the rationale for their selections; for example, for custodians, their current job titles and descriptions of their work, and for data sources, location information and description.

6. INACCESSIBLE OR UNUSABLE ESI

If a Producing Party asserts that certain requested ESI is inaccessible or not "reasonably accessible," otherwise unnecessary, or if the Receiving Party asserts that, following production, certain ESI is not reasonably useable, the parties shall meet and confer to discuss resolving such assertions. The parties will exchange sufficient information to enable the parties to confer in good faith. If the parties cannot resolve any such disputes after such a meet and confer has taken place, the issue shall be presented to the Court for resolution.

7. KNOWN RESPONSIVE DOCUMENTS

Documents or ESI identified in a custodial or non-custodial file, or in a discrete folder or collection, that are known to a Producing Party through reasonable investigation to be responsive to a discovery request shall be collected for review without regard to whether the responsive content was located via any search methodology developed in accordance with this Order, and nothing about such review shall prevent the Producing Party from redacting or withholding and logging such documents for applicable privileges.

8. SEARCH METHODOLOGIES

The Parties shall adopt reasonable and proportionate methodologies to identify, search, collect, cull, review, and produce ESI as required under applicable legal standards. The Parties recognize and agree that each Party may use one or more methodologies to identify, search, collect, cull, review, and produce responsive and non-privileged ESI, including the use of keyword search terms and/or the use of technology assisted review ("TAR") as discussed further herein. The Parties further recognize that different data sets may implicate different methodologies to identify, search, collect, cull, review, and produce responsive and non-

privileged ESI. The Parties therefore agree to meet and confer in good faith regarding any potential disputes over their respective ESI productions.

9. HIT REPORTS AND SEARCH TERMS

ESI, the Producing Party shall disclose the search terms to the Requesting Party. The Parties shall meet and confer regarding any disputes over the disclosed search terms. In the event that a Producing Party claims burden with respect to modified and/or additional search terms proposed by a Requesting Party, the Producing Party shall provide a hit report for the terms at issue using industry-standard processing tools, such as NUIX or other similar tools. The Producing Party shall provide a hit report for the document collection where the terms were applied, including the following with respect to each proposed or modified search term in the collection:

- a) The number of documents with hits for that term; and
- b) The number of unique documents, i.e., documents which do not have hits for any other term.

If, after reviewing a hit report from a Producing Party, a Requesting Party so chooses, it may reasonably request a further hit report which includes:

- c) The number of family members, including the documents with hits, of the documents with hits for that term; and
- d) The number of unique family members of the documents with hits for that term.

If the ESI tool for the Producing Party is capable without undue burden of providing the number of family members and unique family members, then the Producing Party shall provide such further hit report. The Parties (including the person most knowledgeable about the capabilities of the Producing Party's ESI tool and the Requesting Party's person most knowledgeable about technical issues from its ESI service provider) shall meet and confer regarding any disputes over whether the Producing Party's ESI tool has the capability or not to provider either number of family members or number of unique family members.

The Parties shall meet and confer to resolve disagreements over the search terms or their application. To the extent the Parties are unable to reach agreement on the application of, or

procedures for, any search or filtering processes, the Parties shall fully comply with the provisions of this Court's Discovery Standing Order regarding the procedure for raising discovery disputes with the Court, including the meet and confer and certification requirements therein.

10. TECHNOLOGY ASSISTED REVIEW (TAR)

A Producing Party may use TAR (technology-assisted review) during the culling and review process of ESI, which may be applied in addition to search terms. If a Producing Party uses TAR to cull, filter out, or exclude documents from that Party's production, that Producing Party shall do the following:

- If a Producing Party chooses to apply both search terms and TAR to a review set, the Producing Party will disclose the search terms to all other Party/Parties.
- Disclose the name of the TAR tool or service used to all other Party/Parties.

11. VALIDATION

Each Producing Party shall take reasonable steps to validate its review process (i.e., using quality control measures to determine whether its production is missing relevant ESI or contains substantial amounts of irrelevant ESI) and make any necessary adjustments or corrections to its process. If, after reviewing a Producing Party's production, a Requesting Party reasonably requests additional information regarding the validation method(s) used by the Producing Party, the Producing Party will disclose the level of end-to-end recall (the percentage of responsive Documents in the collection which were identified as responsive by that Producing Party's methodology). If there remain disputes between the Parties regarding validation, the Parties shall meet and confer to resolve such disputes in good faith, including a reasonable discussion regarding the tool used and the parameters used to obtain or calculate the level of recall.

12. UNSEARCHABLE DOCUMENTS

The Producing Party shall use reasonable efforts to identify and review potentially responsive documents for which text-based search technologies are fundamentally ineffective.

13. SYSTEM FILES

Each Party will use its best efforts to filter out common system files and application executable files using the national software reference library ("NSRL") NIST hash set list. The

Parties also may filter out stand-alone files identified as zero bytes in size. Additional culling of file types based on file header information may be applied to the following, provided these files are not known to be otherwise attached, embedded in, or included with an otherwise responsive document, or are not themselves reasonably known to contain information responsive or contain responsive data or are used to interface with users or interact with or access individual or aggregated user data: Application Package File, Backup Files, Batch Files, Binary Disc Image, C++ File Formats, Cascading Style Sheet, Configuration File, Database File, Dictionary Files, Dynamic Link Library, Event Log Files, Executable Files, Hypertext Cascading Stylesheet, Java Archive Files, JavaScript Files, JavaScript Source Code and Class Files, Macintosh Resource Fork Files, Package Manager Files, Program Files, Program Installers, Python Script Files, Shell Script Files, System or Temporary Files, Thumbnail Cache Files, Troff Files, Truetype Font Files, Windows Cabinet File, Windows Command Files, Windows File Shortcut, Windows Help Files, Windows Metafiles and Enhanced Metafiles, Windows Spool Files, Windows System File.

14. **DEDUPLICATION**

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Each Producing Party shall make reasonable efforts to globally deduplicate exact duplicate Documents within that Producing Party's ESI data set across all custodial and non-custodial sources at the family level using either MD5 hash values or SHA hash values or any other agreed-upon (and disclosed) industry-standard deduplication technology. The Parties shall reach agreement on such other deduplication technology and shall reach agreement on how their deduplication tools shall identify exact duplicates of documents in a manner that is consistent with the disclosed tools and technologies a Producing Party is using. The Parties shall reach agreement on how to identify exact duplicates of emails using industry-standard commercially available software tools or services, which may for example calculate hash values of emails based on concatenated values of agreed-upon email fields and/or hash values of attachments, or which may use any other method the Parties agree upon. Having further met and conferred in keeping with the previous sentence, the Parties shall calculate deduplication hash values for emails on the concatenated values set forth in and in accordance with the documentation specifications of the disclosed deduplication tools to be used in this Litigation (i.e., RelativityOne, Relativity Server,

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27 28 Bcc" as an additional field to add to the default ones.

and Nuix); however, if Nuix is used, the Producing Party shall select the optional field "Include

The Parties shall not withhold from production near-duplicates without meeting and conferring on this issue.

The names of all custodians who were either identified as custodians for purposes of collection for this matter (or otherwise known by the Producing Party to have been in possession or custody of a document prior to deduplication) will be populated in the ALL CUSTODIANS metadata field for the produced version of a document that has duplicates removed from production. The original file paths (if any exist) of a document prior to deduplication will be populated in the ALL FILE PATHS metadata field of the produced document.

15. **EMAIL THREADING**

The Parties may use analytics technology to identify email threads and shall produce the unique most inclusive copy and related family members. Where multiple email messages are part of a single chain or "thread," a Party is only required to produce the most inclusive copy of an email message(s) ("Last In Time Email(s)") and need not produce earlier, lesser inclusive email messages or "thread members," provided that the tool or software service being used to perform threading is disclosed. A Producing Party may exclude from production lesser inclusive copies of the most inclusive email message in the thread, where the entire body of each of those lesser inclusive copies is included within the Last in Time Email. The Producing Party will honor reasonable requests to produce lesser inclusive copies of a Last In Time Email or other earlier chains of emails otherwise excluded by email thread suppression.

The Parties shall treat new or different email chains or threads pursuant to further agreement on safeguards or guidelines for defining emails threads which reasonably take into account the capabilities of the email threading/dethreading/hyperthreading tools used by each Defendant (which shall be disclosed to Plaintiffs).

SOURCE CODE 16.

The Parties will meet and confer to address the production and/or inspection of source code and entering into a separate order governing the same if needed.

17. PRODUCTION FORMATS

2.1

The Parties agree to produce documents and data in the formats described in **Appendix 1** to this ESI Order. If particular documents or categories of documents identified in response to document requests warrant a different format, the Parties will cooperate to arrange for the mutually acceptable production of such documents. The Parties further agree not to degrade the searchability of documents as part of the document production process.

In addition, the Parties agree that the production and production format of social media and/or user account information is not covered by this agreement and to meet and confer on the production and production format, including metadata, for social media and/or user account information.

18. PHASING

Once the Parties begin propounding discovery requests pursuant to Fed. R. Civ. P. 34, the Parties agree to meet and confer regarding appropriate phasing for the production of ESI.

19. MISCELLANEOUS PROVISIONS

- a) Production of Plaintiffs ESI and Case-Specific Materials. Subject to any further agreement among the Parties or Order of the Court, the Parties shall produce case-specific documents (i.e., documents specific to the claim of a given Plaintiff, produced by Plaintiffs or Defendants) for any Plaintiff in discovery pools or other selections designed to inform bellwether selection, including those selected for a bellwether trial, in accordance with the production format specified herein, provided, however, that the Producing Party may elect to produce such materials in their native format. To the extent production of case-specific documents for any Plaintiff selected for a bellwether trial presents an issue for any Party, the Parties shall reasonably confer, and may present any disputes to the Court or its designee. The Parties shall further agree to confer concerning the production format and associated matters (e.g., hosting platform) for case-specific documents produced in the cases of other Plaintiffs.

 Nothing herein shall limit Defendant's right to seek discovery from any Plaintiff.
- b) Translations Of Produced Materials. The Producing Party has no obligation to

create a translation of the Documents or any portion thereof. For any foreign-language documents responsive to document requests that a Party reasonably knows as the result of a reasonable investigation have been translated into the English language using human translators or through machine translation for its own purposes, except to the extent such translation is protected by attorney-client or work-product privileges, the Producing Party shall produce the translation of the original document with the original. The parties will meet and confer as necessary concerning procedures for using translations at depositions and at trial. In the event the Parties cannot reach agreement, the matter may be submitted to the Court for determination.

- c) Third-Party Documents. A Party that issues a Non-Party subpoena ("Issuing Party") shall include a copy of this Order with the subpoena and state that (1) the subpoenaed Non-Party should produce Documents in response to the subpoena to all Parties; and (2) the Parties to this Litigation have requested that Third Parties produce Documents in accordance with the specifications set forth herein. If the subpoenaed Non-Party produces Documents to the Issuing Party but does not produce those Documents to other Parties, the Issuing Party shall produce such Documents to those other Parties within 14 days of receiving the Documents, except where the Documents are to be used in a deposition, in which case the Issuing Party shall produce such Documents to all other Parties no later than three (3) days prior to the deposition, or as soon as reasonably practicable if such production occurs thereafter. Nothing in this Order is intended or may be interpreted to narrow, expand, or otherwise affect the rights of the Parties or Third Parties to object to a subpoena. If the Non-Party production is not Bates-stamped, the Parties will meet and confer to agree upon a format for designating the documents with a unique Bates Number prefix.
- d) <u>Documents Produced by Parties Presumption of Authenticity</u>. In order to reduce the number of requests for admission, this Order establishes a rebuttable presumption that documents produced by the Parties are authentic, if said documents were either created or authored by the producing Party, or any of its employees, agents, or

contractors, so long as the employees', agents', or contractors' work was performed in connection with a project or assignment sponsored by the producing Party. No further evidence to establish authenticity need be provided. Nothing in this paragraph shall be deemed to waive any other evidentiary objection a party may have, including but not limited to hearsay, foundation/personal knowledge, or relevance.

- e) **Re-productions.** Notwithstanding any provisions to the contrary, re-production of discrete sets of documents from another litigation, arbitration, government inquiry, or other matter may be re-produced in the same manner and form as originally produced in the other matter, provided however that a party will re-produce documents in a different format for good cause shown. This provision does not waive the right of a party to object to any requests for reproduction of production files from another litigation, arbitration, government inquiry, or other matter.
- f) <u>Modification</u>. This ESI Order may be modified by a Stipulated Order of the Parties or by the Court for good cause shown.
- g) Good Faith. The Parties will act in good faith as required by law and use these procedures to identify and reduce the potential for disputes.
- h) <u>Continuing Obligations</u>. The Parties recognize that discovery shall be an iterative and cooperative process. The Parties will continue to meet and confer regarding any issues as reasonably necessary and appropriate. This Order does not address or resolve any objections to the Parties' respective discovery requests.
- i) <u>Reservation of Rights</u>. The Parties agree that any topic not addressed herein is neither a waiver nor acknowledgement of agreement by either Party.
- IT IS SO STIPULATED, through Counsel of Record.

PRODUCTION OF ESI & HARD COPY DOCUMENTS

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1	DATED: March 15, 2024	Respectfully submitted,
2		/s/ Lexi J. Hazam
3		LEXI J. HAZAM LIEFF CABRASER HEIMANN &
4		BERNSTEIN, LLP
		275 BATTERY STREET, 29 _{TH} FLOOR SAN FRANCISCO, CA 94111-3339
5		Telephone: 415-956-1000
6		lhazam@lchb.com
7		
8		PREVIN WARREN
		MOTLEY RICE LLC 401 9th Street NW Suite 630
9		Washington DC 20004
10		T: 202-386-9610
11		pwarren@motleyrice.com
12		Co-Lead Counsel
13		CHRISTOPHER A. SEEGER
		SEEGER WEISS, LLP
14		55 CHALLENGER ROAD, 6тн FLOOR RIDGEFIELD PARK, NJ 07660
15		Telephone: 973-639-9100
1.6		Facsimile: 973-679-8656
16		cseeger@seegerweiss.com
17		Counsel to Co-Lead Counsel
18		JENNIE LEE ANDERSON
19		ANDRUS ANDERSON, LLP
20		155 MONTGOMERY STREET, SUITE 900
21		SAN FRANCISCO, CA 94104 Telephone: 415-986-1400
21		jennie@andrusanderson.com
22		Liaison Counsel
23		Liaison Counsei
24		MATTHEW BERGMAN
25		GLENN DRAPER SOCIAL MEDIA VICTIMS LAW CENTER
		821 SECOND AVENUE, SUITE 2100
26		SEATTLE, WA 98104 Telephone: 206-741-4862
27		matt@socialmediavictims.org
28		glenn@socialmediavictims.org

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1	AAA WEG A DAY GD ODD OAY
1	JAMES J. BILSBORROW WEITZ & LUXENBERG, PC
2	700 BROADWAY
3	NEW YORK, NY 10003
	Telephone: 212-558-5500
4	Facsimile: 212-344-5461 jbilsborrow@weitzlux.com
5	PAIGE BOLDT
6	WATTS GUERRA LLP
6	4 Dominion Drive, Bldg. 3, Suite 100
7	San Antonio, TX 78257 T: 210-448-0500
8	PBoldt@WattsGuerra.com
9	THOMAS P. CARTMELL
10	WAGSTAFF & CARTMELL LLP
	4740 Grand Avenue, Suite 300 Kansas City, MO 64112
11	T: 816-701 1100
12	tcartmell@wcllp.com
13	JAYNE CONROY
14	SIMMONS HANLY CONROY, LLC 112 MADISON AVE, 7TH FLOOR
15	NEW YORK, NY 10016
13	Telephone: 917-882-5522
16	jconroy@simmonsfirm.com
17	CARRIE GOLDBERG C.A. GOLDBERG, PLLC
10	16 Court St.
18	Brooklyn, NY 11241
19	T: (646) 666-8908
20	carrie@cagoldberglaw.com
21	SIN-TING MARY LIU AYLSTOCK WITKIN KREIS &
22	OVERHOLTZ, PLLC
23	17 EAST MAIN STREET, SUITE 200 PENSACOLA, FL 32502
23	Telephone: 510-698-9566
24	mliu@awkolaw.com
25	ANDRE MURA
26	GIBBS LAW GROUP, LLP 1111 BROADWAY, SUITE 2100
27	OAKLAND, CA 94607
28	Telephone: 510-350-9717 amm@classlawgroup.com

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1	
2	
3	EMMIE PAULOS
4	LEVIN PAPANTONIO RAFFERTY 316 SOUTH BAYLEN STREET, SUITE 600
4	PENSACOLA, FL 32502
5	Telephone: 850-435-7107
6	epaulos@levinlaw.com
7	ROLAND TELLIS
,	DAVID FERNANDES
8	BARON & BUDD, P.C.
9	15910 Ventura Boulevard, Suite 1600 Encino, CA 91436
10	Telephone: (818) 839-2333
10	Facsimile: (818) 986-9698
11	rtellis@baronbudd.com
12	dfernandes@baronbudd.com
	ALEXANDRA WALSH
13	WALSH LAW
14	1050 Connecticut Ave, NW, Suite 500 Washington D.C. 20036
15	T: 202-780-3014
	awalsh@alexwalshlaw.com
16	MICHAEL M. WEINKOWITZ
17	LEVIN SEDRAN & BERMAN, LLP
18	510 WALNUT STREET
	SUITE 500 PHILADELPHIA, PA 19106
19	Telephone: 215-592-1500
20	mweinkowitz@lfsbalw.com
21	DIANDRA "FU" DEBROSSE ZIMMERMANN
	DIANDRA FO DEBROSSE ZIMIMERIMANN DICELLO LEVITT
22	505 20th St North
23	Suite 1500
24	Birmingham, Alabama 35203 Telephone: 205.855.5700
	fu@dicellolevitt.com
25	
26	
27	
28	

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1	HILLARY NAPPI HACH & ROSE LLP
2	112 Madison Avenue, 10th Floor New York, New York 10016
3	Tel: 212.213.8311
4	hnappi@hrsclaw.com
5	JAMES MARSH
6	MARSH LAW FIRM PLLC 31 HUDSON YARDS, 11TH FLOOR
7	NEW YORK, NY 10001-2170
8	Telephone: 212-372-3030 jamesmarsh@marshlaw.com
9	Attomosy for Individual Plaintiffs
10	Attorneys for Individual Plaintiffs
	ROB BONTA Attorney General
11	State of California
12	_/s/ Megan O'Neill
13	Nick A. Akers (CA SBN 211222)
14	Senior Assistant Attorney General Bernard Eskandari (SBN 244395)
15	Supervising Deputy Attorney General
16	Megan O'Neill (CA SBN 343535) Joshua Olszewski-Jubelirer
17	(CA SBN 336428)
	Marissa Roy (CA SBN 318773) Deputy Attorneys General
18	California Department of Justice
19	Office of the Attorney General 455 Golden Gate Ave., Suite 11000
20	San Francisco, CA 94102-7004
21	Phone: (415) 510-4400 Fax: (415) 703-5480
22	Bernard.Eskandari@doj.ca.gov
23	Attorneys for Plaintiff the People of the State of
24	California
25	
26	
27	
28	

	C. 13555 16: 23: 23: 23: 24: 1705 15-04: 18-05 16: 18-05
1	RUSSELL COLEMAN
2	Attorney General
3	Commonwealth of Kentucky
4	/s/ J. Christian Lewis
	J. Christian Lewis (KY Bar No. 87109),
5	Pro hac vice
6	Philip Heleringer (KY Bar No. 96748), Pro hac vice
7	Zachary Richards (KY Bar No. 99209),
7	Pro hac vice app. forthcoming
8	Daniel I. Keiser (KY Bar No. 100264),
0	Pro hac vice
9	Matthew Cocanougher (KY Bar No. 94292),
10	Pro hac vice Assistant Attorneys General
1.1	1024 Capital Center Drive, Suite 200
11	Frankfort, KY 40601
12	CHRISTIAN.LEWIS@KY.GOV
1.2	PHILIP.HELERINGER@KY.GOV
13	ZACH.RICHARDS@KY.GOV
14	DANIEL.KEISER@KY.GOV
1.5	MATTHEW.COCANOUGHER@KY.GOV Phone: (502) 696-5300
15	Fax: (502) 564-2698
16	
17	Attorneys for Plaintiff the Commonwealth of
	Kentucky
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

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1	COVINGTON & BURLING LLP
2	By: /s/ Ashley M. Simonsen
3	Ashley M. Simonsen, SBN 275203
	COVINGTON & BURLING LLP
4	1999 Avenue of the Stars Los Angeles, CA 90067
5	Telephone: (424) 332-4800
6	Facsimile: + 1 (424) 332-4749
	Email: asimonsen@cov.com
7	Phyllis A. Jones, pro hac vice
8	Paul W. Schmidt, pro hac vice
9	COVINGTON & BURLING LLP
,	One City Center 850 Tenth Street, NW
10	Washington, DC 20001-4956
11	Telephone: + 1 (202) 662-6000
	Facsimile: + 1 (202) 662-6291
12	Email: pajones@cov.com
13	Attorney for Defendants Meta Platforms, Inc.
14	f/k/a Facebook, Inc.; Facebook Holdings,
1.7	LLC; Facebook Operations, LLC; Facebook Payments, Inc.; Facebook Technologies, LLC;
15	Instagram, LLC; Siculus, Inc.; and Mark Elliot
16	Zuckerberg
17	FAEGRE DRINKER LLP
18	<u>By: /s/ Andrea Roberts Pierson</u>
	Andrea Roberts Pierson, pro hac vice
19	FAEGRE DRINKER LLP 300 N. Meridian Street, Suite 2500
20	Indianapolis, IN 46204
2.1	Telephone: + 1 (317) 237-0300
21	Facsimile: + 1 (317) 237-1000
22	Email: andrea.pierson@faegredrinker.com
23	Amy R. Fiterman, pro hac vice
24	FAEGRE DRINKER LLP 2200 Wells Fargo Center
	90 South Seventh Street
25	Minneapolis MN 55402
26	Telephone: +1 (612) 766 7768
27	Facsimile: + 1 (612) 766 1600 Email: amy.fiterman@faegredrinker.com
	Zman. amy.nerman@raegreurmker.com
28	Geoffrey M. Drake, pro hac vice

	Casaes 4: 2.32 2 v n 0.15 0 3 28 4 7 G PG PD o Dourcue m te 10 1 6 9 30 FF i lead 0 0 7 3 21 18 22 4 Françose 3 10 7 0 off 3 13 9
1	
1	KING & SPALDING LLP 1180 Peachtree Street, NE, Suite 1600
2	Atlanta, GA 30309
3	Telephone: +1 (404) 572 4726
4	Email: gdrake@kslaw.com
	David P. Mattern, pro hac vice
5	KING & SPALDING LLP 1700 Pennsylvania Avenue, NW, Suite 900
6	Washington, D.C. 20006
7	Telephone: +1 (202) 626 2946
8	Email: dmattern@kslaw.com
	Attorneys for Defendants TikTok Inc. and
9	ByteDance Inc.
10	MUNGER, TOLLES & OLSEN LLP
11	By: /s/ Jonathan H. Blavin
12	Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP
12	560 Mission Street, 27th Floor
13	San Francisco, CA 94105-3089
14	Telephone: (415) 512-4000
	Facsimile: (415) 512-4077
15	Email: jonathan.blavin@mto.com
16	Rose L. Ehler (SBN 29652)
17	Victoria A. Degtyareva (SBN 284199)
	Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238)
18	MUNGER, TOLLES & OLSON LLP
19	350 South Grand Avenue, 50th Floor
20	Los Angeles, CA 90071-3426
20	Telephone: (213) 683-9100 Facsimile: (213) 687-3702
21	Email: rose.ehler@mto.com
22	Email: victoria.degtyareva@mto.com
23	Email: Ariel.Teshuva@mto.com
	Lauren A. Bell (pro hac vice forthcoming)
24	MUNGER, TOLLES & OLSON LLP
25	601 Massachusetts Ave., NW St., Suite 500 E
26	Washington, D.C. 20001-5369
	Telephone: (202) 220-1100
27	Facsimile: (202) 220-2300 Email: lauren.bell@mto.com
28	Eman. rauren.ben@mto.com
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1	Attorneys for Defendant Snap Inc.
2	WILSON SONSINI GOODRICH & ROSATI
3	Professional Corporation
4	By: /s/ Brian M. Willen Brian M. Willen (pro hac vice)
4	WILSON SONSINI GOODRICH & ROSATI
5	1301 Avenue of the Americas, 40th Floor
6	New York, New York 10019
	Telephone: (212) 999-5800 Facsimile: (212) 999-5899
7	Email: bwillen@wsgr.com
8	
9	Lauren Gallo White Samantha A. Machock
	WILSON SONSINI GOODRICH & ROSATI
10	One Market Plaza, Spear Tower, Suite 3300
11	San Francisco, CA 94105
12	Telephone: (415) 947-2000 Facsimile: (415) 947-2099
12	Email: lwhite@wsgr.com
13	Email: smachock@wsgr.com
14	
1.7	Christopher Chiou WILSON SONSINI GOODRICH & ROSATI
15	953 East Third Street, Suite 100
16	Los Angeles, CA 90013
17	Telephone: (323) 210-2900
	Facsimile: (866) 974-7329 Email: cchiou@wsgr.com
18	
19	Attorneys for Defendants YouTube, LLC, Google
20	LLC, and Alphabet Inc.
	WILLIAMS & CONNOLLY LLP
21	By: <u>/s/ Joseph G. Petrosinelli</u>
22	Joseph G. Petrosinelli (pro hac vice)
23	jpetrosinelli@wc.com Ashley W. Hardin (<i>pro hac vice</i>)
23	ahardin@wc.com
24	680 Maine Avenue, SW
25	Washington, DC 20024 Telephone.: 202-434-5000
	Fax: 202-434-5029
26	
27	Attorneys for Defendants YouTube, LLC, Google
28	LLC, and Alphabet Inc.
	II I

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1	MORGAN, LEWIS & BOCKIUS LLP
2	By: <u>/s/ Stephanie Schuster</u> Stephanie Schuster (<i>pro hac vice</i>)
3	stephanie.schuster@morganlewis.com
	1111 Pennsylvania Avenue NW
4	NW Washington, DC 20004-2541 Tel.: 202.373.6595
5	W 1 D 7 W (CD) (47111)
6	Yardena R. Zwang-Weissman (SBN 247111) yardena.zwang-weissman@morganlewis.com
7	300 South Grand Avenue, 22nd Floor
8	Los Angeles, CA 90071-3132 Tel.: 213.612.7238
9	Brian Ercole (pro hac vice) brian.ercole@morganlewis.com
	600 Brickell Avenue, Suite 1600 Miami, FL 33131-3075
11	Tel.: 305.415.3416
12 13	Attorneys for Defendants YouTube, LLC and Google LLC
	Googie LLC
14	IT IS ORDERED that the foregoing Agreement is approved.
15	$\Theta 0 1110$
16	Dated: March 18, 2024
17	MAGISTRATE JUDGE PETER H. KANG
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APPENDIX 1: PRODUCTION FORMAT

- 1) **Production Components.** Except as otherwise provided below, ESI must be produced in accordance with the following specifications:
 - a) an ASCII delimited data file (.DAT) using standard delimiters;
 - b) an image load file (.OPT) that can be loaded into commercially acceptable production software (e.g. Concordance);
 - c) single page black-and-white TIFF images, or JPEG images when color is specified herein, or native files with single page placeholder TIFF images depending on the applicable production format for each type of file;
 - d) and document level .TXT files for all documents containing extracted full text or OCR text.
 - e) Family relationships between emails and their attachments, embedded files and their source document, and connected hardcopy documents will be maintained in production. Attachments should be consecutively produced with their parent.
 - f) If a particular document warrants a different production format, the Parties will cooperate in good faith to arrange for a mutually acceptable production format.
- 2) Production Media and Access Controls. Productions must be encrypted and produced through secure electronic means, such as secure file sharing methods (e.g. FTP), or on CD, DVD, flash drive or external hard drive ("Production Media"). Each piece of Production Media must identify a production number corresponding to the production volume (e.g. "VOL001"). Each piece of Production Media must also identify: (a) the case caption; (b) the following label: "This media contains material subject to Court Ordered security measures"; (c) the Producing Party's name; (d) the production date; (e) the Bates Number range of the materials contained on the Production Media.

Nothing in this ESI Order will preclude or impair any and all protections provided the Parties by any Protective Order(s) agreed and entered into by the Parties. Parties will use best efforts to avoid the unnecessary copying or transmittal of produced documents. If questions arise, the Parties will meet and confer to ensure security concerns are addressed prior to the exchange of

any documents.

- aproduction sets. The Bates Numbers in the image load file must match the corresponding documents in the image load file should match the image load file must match the corresponding of the production. The total number of pages referenced in a production's image load file should match the total number of pages referenced in a production's image load file should match the total number of TIFF files in the production. All images must be assigned a unique Bates number that is sequential within a given document and across the production sets. The Bates Numbers in the image load file must match the corresponding documents' beginning Bates numbers in the data load file. The total number of documents in a production should match the total number of records in the data load file. Load files must not vary in format or structure within a production, or from one production to another except by agreement of the Parties.
- 4) Metadata Fields. Each of the metadata and coding fields set forth below that can be extracted should be produced for each document, except that if the field contains privileged information, that privileged information may be redacted. However, to the extent that metadata does not exist, is not available for any documents produced, this provision shall not be read to require any Party to extract, capture, collect, manually populate, or produce such metadata, with the exception of the following: (a) BEGBATES, (b) ENDBATES, (c) BEGATTACH, (d) ENDATTACH, (e) PRODVOL, (f) ALL CUSTODIANS, (g) CONFIDENTIALITY, (h) REDACTIONS, (i) REDACTION TYPE, (j) HASHVALUE, (k) NATIVEFILEPATH, and (l) TEXTFILEPATH, which should be populated by the Party or the Party's vendor. The Parties will make reasonable efforts to ensure that metadata fields automatically extracted from the documents correspond directly to the information that exists in the original documents.

Field Name	Field Description
BEGBATES	Beginning Bates number for a particular document as stamped on the first production image for that document
ENDBATES	Ending Bates number as stamped on the last

Field Name	Field Description
	production image for a particular document
BEGATTACH	First production Bates number of the first document in a family
ENDATTACH	Last production Bates number of the last document in a family
ATTACHCOUNT	Number of attachments to an e-mail or embedded parent, as generated by commercially available discovery processing tools.
ATTACHNAMES	Names of each individual Attachment, separated by semicolons.
PRODVOL	Production volume
ALLCUSTODIANS	List of all custodians associated with Document, i.e. "Custodian" + "Other Custodian" values delimited by semicolon.
ALLFILEPATHS	All original path(s) to the individual source file(s) when available in the ordinary course of business to and processable by the parties and their ESI vendors of choice. Includes pa up to and including internal path of containers.
CONFIDENTIALITY	Confidentiality designation assigned to the document consistent with the Stipulated Protective Order governing this Litigation
NATIVEFILEPATH	Native File Link (Native Files only)
TEXTFILEPATH	Path to extracted text/OCR file for the document
HASHVALUE	MD5 hash value of the document
DOCUMENT TYPE	Descriptor for the type of document: "Edocument" for electronic documents not attached to e-mails; "E-mail" for all e-mails "E-attachment" for files that were attachment to e-mails; and "Physical" for hard copy physical documents that have been scanned and converted to an electronic image.
AUTHOR	Any value populated in the Author field of t

Field Name	Field Description
	document properties
DOCDATE	Date the document was created according filesystem information (format: MM/DD/YYYY)
DATELASTMODIFIED	Date when document was last modified according to filesystem information (for MM/DD/YYYY)
LAST MODIFIED BY	Last person who modified (saved) a document, as generated by commercially available discovery processing tools.
TRACK CHANGES	Y if a document with track changes value otherwise N or empty, if available separa from the HASHIDDENDATA flag
COMMENTS	Y if a document with comments, otherwing or empty, if available separately from the HASHIDDENDATA flag
HASHIDDENDATA	Y if a document with hidden content value otherwise N or empty
FILENAME	Filename of an electronic document
TITLE	Any value populated in the Title field of document properties
DOCEXT	File extension of document pulled from t document properties
FROM	The sender of the email
ТО	All recipients that were included on the 'line of the email
CC	All recipients that were included on the 'line of the email
BCC	All recipients that were included on the "BCC" line of the email
DATETIMERECEIVED	Date and time email was received (forma MM/DD/YYYY HH:MM)
DATETIMESENT	Date and time email was sent (format: MM/DD/YYYY HH:MM)

Field Name	Field Description
TIMEZONE	The timezone used to process the document
EMAILSUBJECT	Subject line of email pulled from the document properties
THREADID	If a threading tool is used for emails, the thread id generated by the threading tool.
REDACTION TYPE ¹	General category of redaction reason as agreed to by the parties. For example, PII, SCA, CODE, and/or PRIV. If more than one, separate reasons by semicolons.
REDACTIONS	Y if a document is redacted, otherwise N or empty

- 5) TIFFs. Unless excepted below, single page, black and white, Group IV TIFFs should be provided, at least 300 dots per inch (dpi) for all documents. Each TIFF image must be named according to a unique corresponding Bates number associated with the document. Each image must be branded according to the Bates number and the agreed upon confidentiality designation. Original document orientation should be maintained (i.e., portrait to portrait and landscape to landscape). Where the TIFF image is unreadable or has materially degraded the quality of the original, the Producing Party shall provide a higher quality TIFF image or the native or original file. In addition, the Parties shall take reasonable efforts to process word processing documents (e.g., MS Word) with track changes and/or comments unhidden on the TIFF image.
- 6) Color. Word processing documents containing tracked changes shall be produced in color, as single-page, 300 dpi JPG images with JPG compression and a high quality setting as to not degrade the original image. The Producing Party shall comply with good faith by the Requesting Party to provide replacement color images for documents originally produced in black and white. A Party making such a request shall make the request by individual Bates

¹ The Parties will provide specific information on any privilege(s) asserted in their privilege logs, in an overlay, or the redaction boxes. The "Redaction Reason" field is informational only for redaction type and shall not in any way limit a party's right to assert attorney-client privilege, attorney-work product privilege, and/or any other applicable privilege or protection.

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number(s) and shall limit requests made pursuant to this paragraph to a reasonable number of documents.

- **7**) **Text Files.** A single multi-page text file must be provided for each document, and the filename should match its respective TIFF filename for the first page of that document. Extracted text shall be generated with commercially acceptable technology set to include all comments, revisions, tracked changes, speaker's notes and text from documents with comments or tracked changes, and hidden and very hidden worksheets, slides, columns and rows. When possible, the text of native files should be extracted directly from the native file. Parties will perform optical character recognition ("OCR") on foreign language documents using the appropriate settings for languages reasonably anticipated to be in the production following a meet and confer with the Requesting Party to identify those languages. Text files will not contain the redacted portions of the documents. A commercially acceptable technology for OCR should be used for all scanned, hard copy documents and for documents with redactions other than Excel files and other spreadsheets which shall be redacted in native format. Text extracted from emails should include the following header information where available: (1) the individuals to whom the communication was directed ("To"), (2) the author of the email communication ("From"), (3) who was copied and blind copied on such email ("CC" and "BCC"), (4) the subject line of the email ("RE" or "Subject"), and (5) the date and time of the email. To the extent the text extraction technology the Parties are using can be configured to include the text of any URLs or links, the Parties shall utilize that setting.
- Native files. Spreadsheets (*e.g.* MS Excel), and un-redacted presentations (e.g. Microsoft PowerPoint,) will be produced in native format to the extent that they are produced in this Litigation, audio, video, and multi-media files will be produced in native format. The Parties will meet and confer on the production of other file types, such as proprietary files, etc. Native files will be produced with a link in the NATIVEFILEPATH field, along with extracted text (where extracted text is available) and applicable metadata fields set forth in paragraph 4 above. A Bates numbered TIFF placeholder indicating that the document was provided in native format must accompany every native file. Where redaction makes production of native-format

files other than spreadsheets or presentations infeasible, the Parties will confer to determine a reasonably usable form for the production, but spreadsheets shall presumptively be redacted in native, and presentations presumptively redacted in image form, in these cases without the need for further conferring.

- hardcopy will be scanned to *.tiff image format and produced in accordance with the specifications set forth herein. Hard copy documents that are not text-searchable shall be made searchable by OCR prior to production. In scanning paper documents, distinct documents should not be merged into a single record, and single documents should not be split into multiple records (i.e., paper documents should be logically unitized). In the case of an organized compilation of separate documents (for example, a binder containing several separate documents behind numbered tabs), the document behind each tab should be scanned separately, but the relationship among the documents in the compilation should be reflected in the proper coding of the beginning and ending document and attachment fields. The Parties will make their best efforts to unitize the documents correctly. If relevant documents are maintained in a file, folder, envelope, binder, notebook or similar container used to store documents, all contents therein shall be reviewed for production and privilege. Document pages which have affixed notes, such as Post-it notes, should be imaged with and without the note attached.
- 10) Confidentiality Designation. All images will be stamped with the appropriate confidentiality designations in accordance with the Stipulated Protective Order entered in this Litigation. Each document produced in native format will have its confidentiality designation identified in the filename of the native file and indicated on its corresponding TIFF placeholder.
- 11) Bates Numbering. Bates numbering should be a consistent length across the production, contain no special characters, and be numerically sequential within a given document. If a Bates number or set of Bates numbers is skipped, the skipped number or set of numbers should be noted with a placeholder. Attachments to documents will be assigned Bates numbers that directly follow the Bates numbers on the documents to which they were attached.

In addition, wherever possible, each image will have its assigned Bates number electronically "burned" onto the image.

- information is stored in a database, or database management system, or proprietary system or application which has is directed to data storage as one of its primary functions, the Producing Party will identify the database and platform to the Requesting Party. The Producing Party shall produce exports and reports about such responsive information stored in such database, where such exports and reports shall be in a reasonably usable form, and information may be produced in CSV format, tab-delimited text format, Microsoft Excel format, or Microsoft Access format. If there are future disputes over the production of information from a database, the Parties shall meet and confer in good faith in an attempt to reach any further agreements (if needed) on the data to be produced and the format and scope of the production. The Producing Party will provide reasonable amounts of information about the databases to facilitate that discussion.
- inside a responsive document (including hyperlinked inside emails) within a Producing Party's custody, possession, or control, do not need to be produced in the first instance as part of the same family group as the Document residing at the location to which that hyperlink points. If there are particular hyperlinks identified by the Requesting Party in produced documents, the Requesting Party may submit a list of hyperlinks to a particular Producing Party for potentially relevant documents by identifying the Bates number and URL or link text for each requested link to the Producing Party, and the Producing Party will engage in reasonable efforts to locate the hyperlinked document at that location and either identify it by Bates number or provide any responsive, non-produced, and non-privileged documents. The number of hyperlinks a Requesting Party may identify to a Producing Party shall not be excessive and shall be reasonable, proportional to the needs of the case, and not unduly burdensome.
- **14) Embedded Objects.** The Parties agree non-substantive embedded objects, including, but not limited to, logos, icons, emoticons, and footers, may be culled from a document set (but not a document) and need not be produced as separate documents by a

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Producing Party (i.e., such embedded objects will be produced within the document itself, rather than as separate documents). Embedded files, except for images (including but not limited to, logos, icons, emoticons), are to be produced as family groups. Embedded files should be assigned Bates numbers that directly follow the Bates numbers on the documents within which they are embedded.

- **15**) **Production of Family Groups and Relationships**. If any member of a family group is produced, all members of that group must also be produced or else logged as privileged, and no such member shall be withheld from production as a duplicate.
- Dynamic Fields. Documents with dynamic fields for file names, dates, and **16**) times will be imaged to show the field code (e.g., "[FILENAME]") where possible, rather than the values for such fields existing at the time the file is processed.
- **17**) **Time Zone**. The time zone used to process a document, including its metadata, shall be disclosed in the TIMEZONE metadata field consistent with Appendix 1, and shall be standardized for each Defendant across productions.

18) Redactions.

- A Producing Party may redact (i) information subject to the attorney client a) privilege or the work product protection (PRIV); (ii) information that cannot be disclosed pursuant to the Stored Communications Act (SCA); (iii) source code subject to separate agreement applicable to production of source code (CODE); (iv) personal identifying information (PII) including phone numbers, personal addresses, personal email addresses, the month and day of birth, driver's license numbers, and other PII agreed to by the Parties (for example, the Parties shall complete their meet and confer on whether or not to redact users' ages and years of birth). In any event, there shall be no redaction of illnesses, injuries, and medical diagnoses. To the extent a document or pleading contains PII, the Parties shall designate such documents at the appropriate Confidentiality level under the Protective Order and shall comply with Fed. R. Civ. P. 5.2 with regard to filings with the Court.
- No redactions for relevance may be made within a produced document or ESI b) item. If, during the course of discovery, the Parties identify other kinds of information that any STIP. & [Proposed] Order Governing the

Party has a reasonable basis for redacting, the Parties will meet and confer on a case-by-case basis regarding that information before such redactions are made. If the Parties cannot agree, they may seek resolution from the Court.

- c) The Producing Party will indicate, on the face of the redaction, the asserted reason(s) for the redaction (PII, SCA, CODE, and/or PRIV) and the REDACTION TYPE metadata field shall indicate that the document contains redactions and the reason(s) for the redaction.
- d) Notwithstanding the foregoing, this provision shall not be read to prohibit redactions permitted under any applicable U.S. law or Protective Order.
- e) Where a responsive document contains both redacted and non-redacted content, the Parties shall produce the non-redacted portions of the document and the OCR text corresponding to the non-redacted portions.
- f) Native Redactions. Spreadsheet files requiring redaction, including without limitation Microsoft Excel files, shall be redacted and produced natively (unless the Parties agree to production in some other format). In addition, a Producing Party may natively redact other files that cannot be properly imaged for redaction.
- g) All images of redacted files shall be processed to show all comments, revision marks, speaker notes, marks made in track changes, or other user-entered data which are visible in a normal view of the document in its native application, unless such material is redacted and marked as redacted in accordance with this section. Where possible, any occurrences of date/time auto-field items, including in headers and footers, will be removed and replaced with the term AUTODATE to prevent the current date from being printed. Email header information (e.g., date and/or subject line) shall not be redacted unless it is independently privileged. The Parties shall honor reasonable requests for the production of particular redacted documents in other formats where the image is not reasonably usable.
- h) Color. Redacted versions of documents that would have been produced in color in their un-redacted form shall be produced in color as detailed herein.

) **Exception Files**. The Parties will use reasonable efforts to address processing exceptions.

data that can reasonably be extracted and produced in the formats described herein is identified on a mobile or handheld device, that data shall be produced in accordance with the generic provisions of this protocol. To the extent that responsive data identified on a mobile or handheld device is not susceptible to normal production protocols, the Parties will meet and confer to address the identification, production, and production format of any responsive documents and data contained on any mobile or handheld device.

COVINGTON

BEIJING BOSTON BRUSSELS DUBAI FRANKFURT

JOHANNESBURG LONDON LOS ANGELES NEW YORK

PALO ALTO SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP One CityCenter 850 Tenth Street, NW Washington, DC 20001-4956 T +1 202 662 6000

DELIVERED VIA PROCESS SERVER

July 17, 2024

New Jersey Department of Education Judge Robert L. Carter Building 100 River View Plaza Trenton, New Jersey 08625

Re: People of the State of California v. Meta Platforms, Inc., 4:23-cv-05448

Dear Sir/Madam:

Enclosed please find a subpoena being served upon you in connection with the above-captioned litigation currently pending in the U.S. District Court for the Northern District of California. I represent Defendants Meta Platforms, Inc.; Instagram, LLC, Meta Payments, Inc., Meta Platforms Technologies, LC and Mark Zuckerberg (collectively, the "Meta Defendants") in this matter.

The document subpoena requests the production of specific documents identified in the attached subpoena (see Attachment A to the subpoena), which are requested to be produced by 10 am on August 19, 2024. We are willing to work with you on the time, date, location, method and manner of document production, as well as answer any questions or concerns you may have regarding subpoena compliance. It is sufficient compliance with this subpoena if you electronically transmit a copy of the requested documents to the undersigned. As such, please contact me at (202) 662-5801 or spetkis@cov.com, to discuss document production and subpoena compliance, unless you are already represented by counsel in connection with this matter.

The Court is currently considering whether the New Jersey Attorney General's Office has control over New Jersey Department of Education's information for the purposes of discovery in this action. If the Court rules that the New Jersey Attorney General's Office has control over the New Jersey Department of Education's information, the New Jersey Attorney General has pending discovery requests that seek this agency's documents. By serving this subpoena, Meta does not waive its position in the state agency dispute, nor does Meta in any way waive rights to compel the New Jersey Attorney General to produce New Jersey Department of Education information as part of discovery in this action. However, to avoid further delay in the production of information from the New Jersey Department of Education, Meta is serving the attached subpoena to request the timely production of this information.

Your anticipated time and assistance with this matter is greatly appreciated.

COVINGTON

New Jersey Department of Education July 17, 2024 Page 2

Best regards,

/s/ Stephen Petkis

Stephen Petkis

Enclosed: Subpoena, Attachment A, and Attachment B

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

United States District Court

for the

People of the			
	State of California, et al.		
F	Plaintiff)		
	v.)	Civil Action No.	4:23-cv-05448
Meta Platfo	orms, Inc., et al.		
De	efendant)		
	OENA TO PRODUCE DOCUMEN R TO PERMIT INSPECTION OF I		
$_{\Gamma { m o}:}$ New Jersey Depart	tment of Education,		
	arter Building 100 River View Plaza, 1		
	(Name of person to who	n this subpoena is directed	(I)
naterial: See Attachmer	t A.		
	Bacon, Attn: Jennifer Blues Kenyon	Date and Time:	
	Square, 2001 Market Street, Suite 30	000	on August 19, 2024
Two Commerce Philadelphia, PA Inspection of Presther property possessed may inspect, measure, su	Square, 2001 Market Street, Suite 30	to permit entry onto to, and location set forth	he designated premises, land, or h below, so that the requesting party
Two Commerce Philadelphia, PA Inspection of Proof of the property possessed may inspect, measure, sure Place: The following property and proof of the property possessed may inspect, measure, sure Place:	Square, 2001 Market Street, Suite 30 19103-7004 emises: YOU ARE COMMANDED or controlled by you at the time, date	to permit entry onto to, and location set forth property or any design Date and Time: Date and Time:	he designated premises, land, or he below, so that the requesting party nated object or operation on it.
Two Commerce Philadelphia, PA Inspection of Prether property possessed hay inspect, measure, surplices: The following produle 45(d), relating to your espond to this subpoena	Square, 2001 Market Street, Suite 30, 19103-7004 emises: YOU ARE COMMANDED or controlled by you at the time, date rvey, photograph, test, or sample the covisions of Fed. R. Civ. P. 45 are attached protection as a person subject to a	to permit entry onto to, and location set forth property or any design Date and Time: Date and Time:	he designated premises, land, or he below, so that the requesting party nated object or operation on it.
Two Commerce Philadelphia, PA Inspection of Presenter property possessed may inspect, measure, surplice: The following present the property possessed may inspect, measure, surplices:	Square, 2001 Market Street, Suite 30, 19103-7004 emises: YOU ARE COMMANDED or controlled by you at the time, date rvey, photograph, test, or sample the rovisions of Fed. R. Civ. P. 45 are attacur protection as a person subject to a and the potential consequences of no	to permit entry onto to, and location set forth property or any design Date and Time: Date and Time:	he designated premises, land, or he below, so that the requesting party nated object or operation on it.
Two Commerce Philadelphia, PA Inspection of Preother property possessed may inspect, measure, su Place: The following preother property possessed may inspect, measure, su	Square, 2001 Market Street, Suite 30, 19103-7004 emises: YOU ARE COMMANDED or controlled by you at the time, date rvey, photograph, test, or sample the rovisions of Fed. R. Civ. P. 45 are atta	to permit entry onto to, and location set fortly property or any design Date and Time:	he designated premises, land, or he below, so that the requesting parnated object or operation on it.

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 4:23-cv-01615

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

date)	bpoena for (name of individual and title, if a			
☐ I served the su	abpoena by delivering a copy to the na	med person as follows:		
		on (date) ;	or	
☐ I returned the	subpoena unexecuted because:			
		States, or one of its officers or agents, I e, and the mileage allowed by law, in the		
fees are \$	for travel and \$	for services, for a total of \$	0.00	
I declare under p	enalty of perjury that this information	is true.		
::		Server's signature		
	·	Printed name and title		
		Server's address		

Additional information regarding attempted service, etc.:

Print Save As... Add Attachment Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

DEFINITIONS AND INSTRUCTIONS TO ATTACHMENT A

DEFINITIONS

- 1. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- 2. "Document" or "documents" shall have the broadest meaning ascribed to it by the Federal Rules of Civil Procedure, and includes, without limitation electronically stored information ("ESI") (including, without limitation, electronic databases and the data therein, all electronic messages or communications, electronic word processing documents, electronically stored voicemail, webpages, and social media posts) in accordance with any order in this case governing ESI at the time of production. Different versions of the same documents, including, but not limited to, drafts or documents with handwritten notations or marks not found in the original or on other copies are different documents.
 - 3. "You", "you", "Your" and "your" means the New Jersey Department of Education.
- 4. "Relating" or "related to" means and includes referring to, concerning, referencing, mentioning, associated with, constituting, discussing, containing, embodying, recording, reflecting, identifying, summarizing, incorporating, and/or dealing with or pertaining to in any way.
 - 5. "And" includes "or", and vice versa.
 - 6. The singular form of a word or term includes the plural, and vice versa.
 - 7. The present tense of a verb includes the past tense, and vice versa.
- 8. The use of the article "the" shall not be construed as limiting the scope of any request.
 - 9. "Including" means "including without limitation".

- 10. "Any" includes "all", and vice versa.
- 11. The capitalized version of a word or term includes the lower case version of a word or term, and vice versa.
- 12. "Social Media Platforms" or "Platforms" means a digital service that facilitates interactions between two or more distinct but interdependent sets of users, including but not limited to Facebook, Instagram, Snapchat, TikTok, YouTube, Twitter (or "X"), Pinterest, LinkedIn, BeReal, Lapse, Reddit, Threads, VSCO, Goodreads, Quora, Discord, Twitch, and Tumblr.
- 13. "Young Users" means users of Social Platforms who are under 18 years of age when using the Platform(s).

All words, terms, and phrases not specifically defined herein are to be given their normal and customary meaning in the context in which they are used in these Requests.

INSTRUCTIONS

- 1. These Requests are intended to cover any and all documents in your possession, custody, or control, to the extent not privileged. Documents held by any office, department, board, commission, or instrumentality of the New Jersey Department of Education are within your possession, custody, or control.
- 2. In accordance with ESI Protocol attached hereto as Attachment B, if you object to furnishing any of the documents or information requested by these Requests on the grounds of attorney-client privilege, work product, other privilege, or otherwise then, with respect to each such document:
 - a. state the nature of the privilege claimed;
 - b. state the date of each communication supporting the privilege claim;
 - c. identify all participants in the supporting communication;
 - d. state the specific grounds on which the objection is based; and

- e. identify the specific request calling for such information;
- 2. If you object to any Request on the grounds that it is vague or ambiguous, state: (i) the portions or terms of such Request that you claim to be vague or ambiguous; and (ii) the interpretation of the Request pursuant to which you provide a response.
- 3. Each request shall be deemed continuing, so as to require supplemental or mandatory responses should you obtain additional responsive information subsequent to your initial responses.
- 4. If you cannot fully respond to a particular Request after exercising due diligence to make inquiry and to secure the necessary information, provide a response to the extent possible, specifying your inability to respond to the remainder and providing whatever information or knowledge you have concerning the portion not responded to.
- 5. Each page of a produced document shall have a legible, unique page identifier ("Bates Number") and confidentiality legend (where applicable) on the face of the image at a location that does not obliterate, conceal, or interfere with any information from the source document. Redactions should be clearly marked or stamped on the page in such a way that it is clear from review that a portion of the image has been redacted.
- 6. All responsive and non-privileged electronic documents shall be produced in the format ordered by the Court in its ESI order.
- 7. All responsive electronic documents shall be produced in a format agreed upon by the parties, to include at least native versions of Excel spreadsheets and presentation files, with a Bates-stamped placeholder image.
- 8. Unless otherwise specified, the time period for these Requests is January 1, 2012 to the date of production of the Documents.

ATTACHMENT A

- 1. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of persons ages 13 to 18.
- 2. Programs, initiatives, efforts, or actions proposed or taken by the New Jersey Department of Education to encourage or promote the use of Social Media Platforms.
- 3. Programs, initiatives, efforts, or actions proposed or taken by the New Jersey Department of Education to address Young Users' use of Social Media Platforms, including any program, initiative, effort, or action to prevent, limit, encourage, or promote the use of Social Media Platforms by Young Users.
- 4. Studies, programs, initiatives, efforts, or actions proposed or taken by the New Jersey Department of Education that sought to provide or promote internet access or phones, computers, tablets, or other electronic devices to Young Users.
- 5. Policies proposed, recommended, or enacted by the New Jersey Department of Education regarding screen time and acceptable use of cell phones, computers, tablets, or other electronic devices by Young Users.
- 6. Complaints to the New Jersey Department of Education by teachers regarding social media or cell phone use by Young Users and/or the need for acceptable use or other policies to address Young Users' use of social media or cell phones.
- 7. Complaints to the New Jersey Department of Education by teachers or school districts regarding budget crises from inflation, underfunding, unfunded mandates, and other causes.
- 8. Documents related to state assessment in New Jersey, including reports and analyses regarding the history of K-12 state assessment or standardized testing scores, performance by schools and/or school districts, and any other measures of school performance.
- New Jersey Department of Education's communications and/or collaboration with any Social Media Platform on any program, initiative or other action related to, or directed at, Young Users.
- 10. New Jersey Department of Education's communications with any third party related to Young Users and/or Social Media Platforms.
- 11. Policies, procedures, and practices applicable to New Jersey Department of Education and New Jersey Department of Education employees regarding the use of Social Media Platforms, including any changes to these policies during the Relevant Period.

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- 12. Legislation or policies proposed by, proposed on behalf of, or testified on by the New Jersey Department of Education, regardless of whether such legislation or policies were enacted, regarding Young Users' use of Social Media Platforms.
- 13. Research, investigations, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms, including the importance of Social Media Platforms and the use of Social Media Platforms by Young Users and the potential benefits and harms created by the use of Social Media Platforms.
- 14. Research, investigations, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms regarding the impact of social media on the mental, social, emotional, or behavioral health of Young Users.
- 15. Research, investigations, studies, surveys, reports, evaluations, or analyses related to:
 - a. Features of Social Media Platforms that are psychologically or physically harmful to Young Users;
 - b. Features of Social Media Platforms that promote compulsive, prolonged, or unhealthy use by Young Users;
 - c. The impact of features of Social Media Platforms, including:
 - (1) Algorithmic recommendation and sequencing;
 - (2) Image filters;
 - (3) Use of multiple user accounts;
 - (4) Infinite scroll;
 - (5) Ephemeral content features;
 - (6) Autoplay;
 - (7) Quantification and display of likes; or
 - (8) Audiovisual and haptic alerts.
- 16. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of Young Users, including those related to the effects of:
 - a. Social Media Platforms usage;
 - b. Video games usage;
 - c. Cell phone usage;
 - d. Messaging usage;
 - e. Usage of other electronics apart from usage of Social Media Platforms;
 - f. COVID-19 and/or remote learning;
 - g. Use of drugs or alcohol;
 - h. The opioid and fentanyl epidemic;
 - i. Poverty, homelessness, lack of health insurance, and/or food insecurity;
 - j. Physical health including nutrition, exercise, weight management, sleeping habits, and sexual activity;
 - k. Family trauma or deaths;
 - 1. Academic pressure;
 - m. Violence, including school violence, domestic violence, gun violence, gun control and/or mass shootings;

- n. Bullying or verbal abuse apart from usage of Social Media Platforms;
- o. Political polarization;
- p. Natural disasters;
- q. Climate change;
- r. Discrimination and inequity;
- s. Global warfare and conflict; and
- t. Any other potential causes of harms to the mental, social, emotional, or behavioral health of Young Users.
- 17. Youth Risk Behavior Surveys conducted by the New Jersey Department of Education or on its behalf.
- 18. Public or non-public meetings held by the New Jersey Department of Education related to Social Media Platforms and use of Social Media Platforms by Young Users, including notices, meeting notes, PowerPoint presentations, internal memoranda, summaries, personal notes, or attendee lists.
- 19. Mental, social, emotional, or behavioral health services provided by the New Jersey Department of Education to Young Users during the Relevant Period.
- 20. Budgeted and actual expenditures by the New Jersey Department of Education during the Relevant Period related to Young Users' use of Social Media Platforms.
- 21. Policies, procedures, and practices related to the New Jersey Department of Education's use of Social Media Platforms, including communication of information or promotion of New Jersey Department of Education programs, initiatives, efforts, or actions on Social Media Platforms.
- 22. New Jersey Department of Education's budget and actual expenditures during the Relevant Period, including expenditures on:
 - a. Digital advertisements by the New Jersey Department of Education on Social Media Platforms
 - b. Digital advertisements by the New Jersey Department of Education purchased through Social Media Platforms.

ATTACHMENT B

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6	IN THE UNITED STATE	ES DISTRICT COURT
7	FOR THE NORTHERN DIS	TRICT OF CALIFORNIA
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9	IN RE: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation	MDL No. 3047 Case No. 4:22-md-03047-YGR
10		Honorable Yvonne Gonzalez Rogers
11	This document relates to: ALL ACTIONS	Honorable Peter H. Kang
12		STIPULATION AND [PROPOSED] ORDER GOVERNING THE
13		PRODUCTION OF ELECTRONICALLY STORED
14		INFORMATION AND HARD COPY
15		DOCUMENTS
16		
17	1. PURPOSE	
18	S	ectronically Stored Information and Hard Copy
19	Documents ("ESI Order") will govern discovery o	f electronically stored information and any hard
20	copy documents in this Litigation as a supplement	to the Federal Rules of Civil Procedure, this
21	District's Guidelines for the Discovery of Electron	ically Stored Information, and any other
22	applicable orders and rules. "This Litigation" inclu	ides all actions currently in MDL No. 3047, In
23	Re: Social Media Adolescent Addiction/Personal I	injury Products Liability, or hereafter added or
24	transferred to MDL No. 3047, and all actions later	remanded to their respective transferor courts.
25	2. DEFINITIONS	
26	a) "Document" is defined to be synonymo	ous in meaning and equal in scope to the usage
27	of this term in Rules 26 and 34 of the F	ederal Rules of Civil Procedure and shall

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include Hard-Copy Documents and ESI.

- b) "Electronically stored information" or "ESI," as used herein has the same meaning as in Federal Rules of Civil Procedure 26 and 34.
- c) "Hard-Copy Document" means Documents existing in paper form at the time of collection.
- d) "Searchable Text" means the native text extracted from an Electronic Document and any Optical Character Recognition text ("OCR text") generated from a Hard-Copy Document or electronic image.

3. COOPERATION

The Parties are aware of the importance the Court places on cooperation and commit to cooperate in good faith throughout this Litigation consistent with this Court's Guidelines for the Discovery of ESI and this Court's Rules of Professional Conduct. The Parties will endeavor to cooperate in good faith and be reasonably transparent in all aspects of the discovery process.

4. LIAISON

The Parties will identify Discovery Liaisons to each other who are and will be knowledgeable about and responsible for discussing their respective ESI. Any Party is free to change their designated Discovery Liaison by providing written notice to the other Parties. Each Party's Discovery Liaison must: (a) be prepared to meet and confer on discovery-related matters and to participate in discovery dispute resolution; (b) be knowledgeable about the Party's discovery efforts; (c) be, or have reasonable access to those who are, familiar with the Party's electronic systems and capabilities in order to explain those systems and answer relevant questions; and (d) be, or have reasonable access to those who are knowledgeable about the technical aspects of discovery, including electronic document storage, organization, and format issues, and relevant information retrieval technology, including search methodology.

5. IDENTIFICATION OF CUSTODIANS AND DATA SOURCES

The parties will disclose information about custodians and custodial and non-custodial data sources likely to possess relevant or responsive information in accordance with Fed. R. Civ. P. 26 and this District's ESI Guidelines. The Parties will participate in Rule 26(f) discussions guided by this District's Checklist for Rule 26(f) Meet and Confer Regarding Electronically

Stored Information. After responses to Requests for Production under Fed. R. Civ. P. 34 have

been served, the parties will meet and confer regarding those custodians and custodial and non-

custodial data sources from which Documents and ESI will be collected for search and review for

potential production in this litigation. The custodian and data source exchanges will include brief

explanations of the rationale for their selections; for example, for custodians, their current job

titles and descriptions of their work, and for data sources, location information and description.

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6. INACCESSIBLE OR UNUSABLE ESI

If a Producing Party asserts that certain requested ESI is inaccessible or not "reasonably accessible," otherwise unnecessary, or if the Receiving Party asserts that, following production, certain ESI is not reasonably useable, the parties shall meet and confer to discuss resolving such assertions. The parties will exchange sufficient information to enable the parties to confer in good faith. If the parties cannot resolve any such disputes after such a meet and confer has taken place, the issue shall be presented to the Court for resolution.

7. KNOWN RESPONSIVE DOCUMENTS

Documents or ESI identified in a custodial or non-custodial file, or in a discrete folder or collection, that are known to a Producing Party through reasonable investigation to be responsive to a discovery request shall be collected for review without regard to whether the responsive content was located via any search methodology developed in accordance with this Order, and nothing about such review shall prevent the Producing Party from redacting or withholding and logging such documents for applicable privileges.

8. SEARCH METHODOLOGIES

The Parties shall adopt reasonable and proportionate methodologies to identify, search, collect, cull, review, and produce ESI as required under applicable legal standards. The Parties recognize and agree that each Party may use one or more methodologies to identify, search, collect, cull, review, and produce responsive and non-privileged ESI, including the use of keyword search terms and/or the use of technology assisted review ("TAR") as discussed further herein. The Parties further recognize that different data sets may implicate different methodologies to identify, search, collect, cull, review, and produce responsive and non-

privileged ESI. The Parties therefore agree to meet and confer in good faith regarding any potential disputes over their respective ESI productions.

9. HIT REPORTS AND SEARCH TERMS

If a Producing Party uses search terms to identify, search, or cull potentially responsive ESI, the Producing Party shall disclose the search terms to the Requesting Party. The Parties shall meet and confer regarding any disputes over the disclosed search terms. In the event that a Producing Party claims burden with respect to modified and/or additional search terms proposed by a Requesting Party, the Producing Party shall provide a hit report for the terms at issue using industry-standard processing tools, such as NUIX or other similar tools. The Producing Party shall provide a hit report for the document collection where the terms were applied, including the following with respect to each proposed or modified search term in the collection:

- a) The number of documents with hits for that term; and
- b) The number of unique documents, i.e., documents which do not have hits for any other term.

If, after reviewing a hit report from a Producing Party, a Requesting Party so chooses, it may reasonably request a further hit report which includes:

- c) The number of family members, including the documents with hits, of the documents with hits for that term; and
- d) The number of unique family members of the documents with hits for that term.

If the ESI tool for the Producing Party is capable without undue burden of providing the number of family members and unique family members, then the Producing Party shall provide such further hit report. The Parties (including the person most knowledgeable about the capabilities of the Producing Party's ESI tool and the Requesting Party's person most knowledgeable about technical issues from its ESI service provider) shall meet and confer regarding any disputes over whether the Producing Party's ESI tool has the capability or not to provider either number of family members or number of unique family members.

The Parties shall meet and confer to resolve disagreements over the search terms or their application. To the extent the Parties are unable to reach agreement on the application of, or

procedures for, any search or filtering processes, the Parties shall fully comply with the provisions of this Court's Discovery Standing Order regarding the procedure for raising discovery disputes with the Court, including the meet and confer and certification requirements therein.

10. TECHNOLOGY ASSISTED REVIEW (TAR)

A Producing Party may use TAR (technology-assisted review) during the culling and review process of ESI, which may be applied in addition to search terms. If a Producing Party uses TAR to cull, filter out, or exclude documents from that Party's production, that Producing Party shall do the following:

- If a Producing Party chooses to apply both search terms and TAR to a review set, the Producing Party will disclose the search terms to all other Party/Parties.
- Disclose the name of the TAR tool or service used to all other Party/Parties.

11. VALIDATION

Each Producing Party shall take reasonable steps to validate its review process (i.e., using quality control measures to determine whether its production is missing relevant ESI or contains substantial amounts of irrelevant ESI) and make any necessary adjustments or corrections to its process. If, after reviewing a Producing Party's production, a Requesting Party reasonably requests additional information regarding the validation method(s) used by the Producing Party, the Producing Party will disclose the level of end-to-end recall (the percentage of responsive Documents in the collection which were identified as responsive by that Producing Party's methodology). If there remain disputes between the Parties regarding validation, the Parties shall meet and confer to resolve such disputes in good faith, including a reasonable discussion regarding the tool used and the parameters used to obtain or calculate the level of recall.

12. UNSEARCHABLE DOCUMENTS

The Producing Party shall use reasonable efforts to identify and review potentially responsive documents for which text-based search technologies are fundamentally ineffective.

13. SYSTEM FILES

Each Party will use its best efforts to filter out common system files and application executable files using the national software reference library ("NSRL") NIST hash set list. The

Parties also may filter out stand-alone files identified as zero bytes in size. Additional culling of file types based on file header information may be applied to the following, provided these files are not known to be otherwise attached, embedded in, or included with an otherwise responsive document, or are not themselves reasonably known to contain information responsive or contain responsive data or are used to interface with users or interact with or access individual or aggregated user data: Application Package File, Backup Files, Batch Files, Binary Disc Image, C++ File Formats, Cascading Style Sheet, Configuration File, Database File, Dictionary Files, Dynamic Link Library, Event Log Files, Executable Files, Hypertext Cascading Stylesheet, Java Archive Files, JavaScript Files, JavaScript Source Code and Class Files, Macintosh Resource Fork Files, Package Manager Files, Program Files, Program Installers, Python Script Files, Shell Script Files, System or Temporary Files, Thumbnail Cache Files, Troff Files, Truetype Font Files, Windows Cabinet File, Windows Command Files, Windows File Shortcut, Windows Help Files, Windows Metafiles and Enhanced Metafiles, Windows Spool Files, Windows System File.

14. **DEDUPLICATION**

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Each Producing Party shall make reasonable efforts to globally deduplicate exact duplicate Documents within that Producing Party's ESI data set across all custodial and non-custodial sources at the family level using either MD5 hash values or SHA hash values or any other agreed-upon (and disclosed) industry-standard deduplication technology. The Parties shall reach agreement on such other deduplication technology and shall reach agreement on how their deduplication tools shall identify exact duplicates of documents in a manner that is consistent with the disclosed tools and technologies a Producing Party is using. The Parties shall reach agreement on how to identify exact duplicates of emails using industry-standard commercially available software tools or services, which may for example calculate hash values of emails based on concatenated values of agreed-upon email fields and/or hash values of attachments, or which may use any other method the Parties agree upon. Having further met and conferred in keeping with the previous sentence, the Parties shall calculate deduplication hash values for emails on the concatenated values set forth in and in accordance with the documentation specifications of the disclosed deduplication tools to be used in this Litigation (i.e., RelativityOne, Relativity Server,

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and Nuix); however, if Nuix is used, the Producing Party shall select the optional field "Include Bcc" as an additional field to add to the default ones.

The Parties shall not withhold from production near-duplicates without meeting and conferring on this issue.

The names of all custodians who were either identified as custodians for purposes of collection for this matter (or otherwise known by the Producing Party to have been in possession or custody of a document prior to deduplication) will be populated in the ALL CUSTODIANS metadata field for the produced version of a document that has duplicates removed from production. The original file paths (if any exist) of a document prior to deduplication will be populated in the ALL FILE PATHS metadata field of the produced document.

15. **EMAIL THREADING**

The Parties may use analytics technology to identify email threads and shall produce the unique most inclusive copy and related family members. Where multiple email messages are part of a single chain or "thread," a Party is only required to produce the most inclusive copy of an email message(s) ("Last In Time Email(s)") and need not produce earlier, lesser inclusive email messages or "thread members," provided that the tool or software service being used to perform threading is disclosed. A Producing Party may exclude from production lesser inclusive copies of the most inclusive email message in the thread, where the entire body of each of those lesser inclusive copies is included within the Last in Time Email. The Producing Party will honor reasonable requests to produce lesser inclusive copies of a Last In Time Email or other earlier chains of emails otherwise excluded by email thread suppression.

The Parties shall treat new or different email chains or threads pursuant to further agreement on safeguards or guidelines for defining emails threads which reasonably take into account the capabilities of the email threading/dethreading/hyperthreading tools used by each Defendant (which shall be disclosed to Plaintiffs).

SOURCE CODE 16.

The Parties will meet and confer to address the production and/or inspection of source code and entering into a separate order governing the same if needed.

17. PRODUCTION FORMATS

2.1

The Parties agree to produce documents and data in the formats described in **Appendix 1** to this ESI Order. If particular documents or categories of documents identified in response to document requests warrant a different format, the Parties will cooperate to arrange for the mutually acceptable production of such documents. The Parties further agree not to degrade the searchability of documents as part of the document production process.

In addition, the Parties agree that the production and production format of social media and/or user account information is not covered by this agreement and to meet and confer on the production and production format, including metadata, for social media and/or user account information.

18. PHASING

Once the Parties begin propounding discovery requests pursuant to Fed. R. Civ. P. 34, the Parties agree to meet and confer regarding appropriate phasing for the production of ESI.

19. MISCELLANEOUS PROVISIONS

- a) Production of Plaintiffs ESI and Case-Specific Materials. Subject to any further agreement among the Parties or Order of the Court, the Parties shall produce case-specific documents (i.e., documents specific to the claim of a given Plaintiff, produced by Plaintiffs or Defendants) for any Plaintiff in discovery pools or other selections designed to inform bellwether selection, including those selected for a bellwether trial, in accordance with the production format specified herein, provided, however, that the Producing Party may elect to produce such materials in their native format. To the extent production of case-specific documents for any Plaintiff selected for a bellwether trial presents an issue for any Party, the Parties shall reasonably confer, and may present any disputes to the Court or its designee. The Parties shall further agree to confer concerning the production format and associated matters (e.g., hosting platform) for case-specific documents produced in the cases of other Plaintiffs.

 Nothing herein shall limit Defendant's right to seek discovery from any Plaintiff.
- b) Translations Of Produced Materials. The Producing Party has no obligation to

create a translation of the Documents or any portion thereof. For any foreign-language documents responsive to document requests that a Party reasonably knows as the result of a reasonable investigation have been translated into the English language using human translators or through machine translation for its own purposes, except to the extent such translation is protected by attorney-client or work-product privileges, the Producing Party shall produce the translation of the original document with the original. The parties will meet and confer as necessary concerning procedures for using translations at depositions and at trial. In the event the Parties cannot reach agreement, the matter may be submitted to the Court for determination.

- c) Third-Party Documents. A Party that issues a Non-Party subpoena ("Issuing Party") shall include a copy of this Order with the subpoena and state that (1) the subpoenaed Non-Party should produce Documents in response to the subpoena to all Parties; and (2) the Parties to this Litigation have requested that Third Parties produce Documents in accordance with the specifications set forth herein. If the subpoenaed Non-Party produces Documents to the Issuing Party but does not produce those Documents to other Parties, the Issuing Party shall produce such Documents to those other Parties within 14 days of receiving the Documents, except where the Documents are to be used in a deposition, in which case the Issuing Party shall produce such Documents to all other Parties no later than three (3) days prior to the deposition, or as soon as reasonably practicable if such production occurs thereafter. Nothing in this Order is intended or may be interpreted to narrow, expand, or otherwise affect the rights of the Parties or Third Parties to object to a subpoena. If the Non-Party production is not Bates-stamped, the Parties will meet and confer to agree upon a format for designating the documents with a unique Bates Number prefix.
- d) <u>Documents Produced by Parties Presumption of Authenticity</u>. In order to reduce the number of requests for admission, this Order establishes a rebuttable presumption that documents produced by the Parties are authentic, if said documents were either created or authored by the producing Party, or any of its employees, agents, or

contractors, so long as the employees', agents', or contractors' work was performed in connection with a project or assignment sponsored by the producing Party. No further evidence to establish authenticity need be provided. Nothing in this paragraph shall be deemed to waive any other evidentiary objection a party may have, including but not limited to hearsay, foundation/personal knowledge, or relevance.

- e) **Re-productions.** Notwithstanding any provisions to the contrary, re-production of discrete sets of documents from another litigation, arbitration, government inquiry, or other matter may be re-produced in the same manner and form as originally produced in the other matter, provided however that a party will re-produce documents in a different format for good cause shown. This provision does not waive the right of a party to object to any requests for reproduction of production files from another litigation, arbitration, government inquiry, or other matter.
- f) <u>Modification</u>. This ESI Order may be modified by a Stipulated Order of the Parties or by the Court for good cause shown.
- g) Good Faith. The Parties will act in good faith as required by law and use these procedures to identify and reduce the potential for disputes.
- h) <u>Continuing Obligations</u>. The Parties recognize that discovery shall be an iterative and cooperative process. The Parties will continue to meet and confer regarding any issues as reasonably necessary and appropriate. This Order does not address or resolve any objections to the Parties' respective discovery requests.
- i) <u>Reservation of Rights</u>. The Parties agree that any topic not addressed herein is neither a waiver nor acknowledgement of agreement by either Party.
- **IT IS SO STIPULATED**, through Counsel of Record.

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1	DATED: March 15, 2024	Respectfully submitted,
2		<u>/s/ Lexi J. Hazam</u> LEXI J. HAZAM
3		LEXI J. HAZAM LIEFF CABRASER HEIMANN &
4		BERNSTEIN, LLP
		275 BATTERY STREET, 29 _{TH} FLOOR SAN FRANCISCO, CA 94111-3339
5		Telephone: 415-956-1000
6		lhazam@lchb.com
7		
8		PREVIN WARREN MOTLEY RICE LLC
9		401 9th Street NW Suite 630
10		Washington DC 20004 T: 202-386-9610
		pwarren@motleyrice.com
11		Co-Lead Counsel
12		Co-Lead Counsel
13		CHRISTOPHER A. SEEGER SEEGER WEISS, LLP
14		55 CHALLENGER ROAD, 6TH FLOOR
15		RIDGEFIELD PARK, NJ 07660
		Telephone: 973-639-9100 Facsimile: 973-679-8656
16		cseeger@seegerweiss.com
17		Counsel to Co-Lead Counsel
18		
19		JENNIE LEE ANDERSON ANDRUS ANDERSON, LLP
20		155 MONTGOMERY STREET, SUITE 900
		SAN FRANCISCO, CA 94104 Telephone: 415-986-1400
21		jennie@andrusanderson.com
22		Liaison Counsel
23		
24		MATTHEW BERGMAN GLENN DRAPER
25		SOCIAL MEDIA VICTIMS LAW CENTER
26		821 SECOND AVENUE, SUITE 2100 SEATTLE, WA 98104
27		Telephone: 206-741-4862
		matt@socialmediavictims.org glenn@socialmediavictims.org
28		gioinito, socialificula victims. Ol g

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1	JAMES J. BILSBORROW WEITZ & LUXENBERG, PC
2	700 BROADWAY
3	NEW YORK, NY 10003
	Telephone: 212-558-5500 Facsimile: 212-344-5461
4	jbilsborrow@weitzlux.com
5	PAIGE BOLDT
6	WATTS GUERRA LLP
	4 Dominion Drive, Bldg. 3, Suite 100 San Antonio, TX 78257
7	T: 210-448-0500
8	PBoldt@WattsGuerra.com
9	THOMAS P. CARTMELL
10	WAGSTAFF & CARTMELL LLP
	4740 Grand Avenue, Suite 300 Kansas City, MO 64112
11	T: 816-701 1100
12	tcartmell@wcllp.com
13	JAYNE CONROY
14	SIMMONS HANLY CONROY, LLC
1.5	112 MADISON AVE, 7TH FLOOR NEW YORK, NY 10016
15	Telephone: 917-882-5522
16	jconroy@simmonsfirm.com
17	CARRIE GOLDBERG C.A. GOLDBERG, PLLC
	16 Court St.
18	Brooklyn, NY 11241
19	T: (646) 666-8908
20	carrie@cagoldberglaw.com
21	SIN-TING MARY LIU AYLSTOCK WITKIN KREIS &
22	OVERHOLTZ, PLLC
	17 EAST MAIN STREET, SUITE 200
23	PENSACOLA, FL 32502 Telephone: 510-698-9566
24	mliu@awkolaw.com
25	ANDRE MURA
26	GIBBS LAW GROUP, LLP
27	1111 BROADWAY, SUITE 2100 OAKLAND, CA 94607
28	Telephone: 510-350-9717 amm@classlawgroup.com

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1	
2	
3	EMMIE PAULOS
	LEVIN PAPANTONIO RAFFERTY 316 SOUTH BAYLEN STREET, SUITE 600
4	PENSACOLA, FL 32502
5	Telephone: 850-435-7107
6	epaulos@levinlaw.com
7	ROLAND TELLIS
/	DAVID FERNANDES
8	BARON & BUDD, P.C.
9	15910 Ventura Boulevard, Suite 1600 Encino, CA 91436
	Telephone: (818) 839-2333
10	Facsimile: (818) 986-9698
11	rtellis@baronbudd.com
12	dfernandes@baronbudd.com
	ALEXANDRA WALSH
13	WALSH LAW
14	1050 Connecticut Ave, NW, Suite 500 Washington D.C. 20036
15	T: 202-780-3014
13	awalsh@alexwalshlaw.com
16	MICHAEL M WEDWOWITZ
17	MICHAEL M. WEINKOWITZ LEVIN SEDRAN & BERMAN, LLP
18	510 WALNUT STREET
10	SUITE 500
19	PHILADELPHIA, PA 19106 Telephone: 215-592-1500
20	mweinkowitz@lfsbalw.com
21	
4 1	DIANDRA "FU" DEBROSSE ZIMMERMANN DICELLO LEVITT
22	505 20th St North
23	Suite 1500
24	Birmingham, Alabama 35203
4	Telephone: 205.855.5700 fu@dicellolevitt.com
25	
26	
27	
28	

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1	HILLARY NAPPI HACH & ROSE LLP
2	112 Madison Avenue, 10th Floor
3	New York, New York 10016 Tel: 212.213.8311
4	hnappi@hrsclaw.com
5	JAMES MARSH
6	MARSH LAW FIRM PLLC 31 HUDSON YARDS, 11TH FLOOR
7	NEW YORK, NY 10001-2170
	Telephone: 212-372-3030
8	jamesmarsh@marshlaw.com
9	Attorneys for Individual Plaintiffs
10	ROB BONTA
11	Attorney General State of California
12	State of Camornia
13	<u>/s/ Megan O'Neill</u> Nick A. Akers (CA SBN 211222)
	Senior Assistant Attorney General
14	Bernard Eskandari (SBN 244395)
15	Supervising Deputy Attorney General Megan O'Neill (CA SBN 343535)
16	Joshua Olszewski-Jubelirer
17	(CA SBN 336428) Marissa Roy (CA SBN 318773)
18	Deputy Attorneys General
19	California Department of Justice Office of the Attorney General
	455 Golden Gate Ave., Suite 11000
20	San Francisco, CA 94102-7004 Phone: (415) 510-4400
21	Fax: (415) 703-5480
22	Bernard.Eskandari@doj.ca.gov
23	Attorneys for Plaintiff the People of the State of California
24	Cuigornia
25	
26	
27	
28	

	C. 1355 16: 23: 23: 23: 23: 23: 23: 23: 23: 23: 23
1	RUSSELL COLEMAN
2	Attorney General
3	Commonwealth of Kentucky
4	/s/ J. Christian Lewis
	J. Christian Lewis (KY Bar No. 87109),
5	Pro hac vice
6	Philip Heleringer (KY Bar No. 96748), Pro hac vice
7	Zachary Richards (KY Bar No. 99209),
7	Pro hac vice app. forthcoming
8	Daniel I. Keiser (KY Bar No. 100264),
0	Pro hac vice
9	Matthew Cocanougher (KY Bar No. 94292),
10	Pro hac vice Assistant Attorneys General
1.1	1024 Capital Center Drive, Suite 200
11	Frankfort, KY 40601
12	CHRISTIAN.LEWIS@KY.GOV
1.2	PHILIP.HELERINGER@KY.GOV
13	ZACH.RICHARDS@KY.GOV
14	DANIEL.KEISER@KY.GOV
1.5	MATTHEW.COCANOUGHER@KY.GOV Phone: (502) 696-5300
15	Fax: (502) 564-2698
16	
17	Attorneys for Plaintiff the Commonwealth of
	Kentucky
18	
19	
20	
21	
22	
23	
24	
25	
26	
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1	COVINGTON & BURLING LLP
2	Dy: /s/Ashloy M. Simonson
3	By: /s/ Ashley M. Simonsen Ashley M. Simonsen, SBN 275203
3	COVINGTON & BURLING LLP
4	1999 Avenue of the Stars Los Angeles, CA 90067
5	Telephone: (424) 332-4800
6	Facsimile: + 1 (424) 332-4749
	Email: asimonsen@cov.com
7	Phyllis A. Jones, pro hac vice
8	Paul W. Schmidt, pro hac vice
9	COVINGTON & BURLING LLP
9	One City Center 850 Tenth Street, NW
10	Washington, DC 20001-4956
11	Telephone: + 1 (202) 662-6000
11	Facsimile: + 1 (202) 662-6291
12	Email: pajones@cov.com
13	Attorney for Defendants Meta Platforms, Inc.
14	f/k/a Facebook, Inc.; Facebook Holdings,
1.7	LLC; Facebook Operations, LLC; Facebook Payments, Inc.; Facebook Technologies, LLC;
15	Instagram, LLC; Siculus, Inc.; and Mark Elliot
16	Zuckerberg
17	FAEGRE DRINKER LLP
18	<u>By: /s/ Andrea Roberts Pierson</u>
	Andrea Roberts Pierson, pro hac vice
19	FAEGRE DRINKER LLP 300 N. Meridian Street, Suite 2500
20	Indianapolis, IN 46204
21	Telephone: + 1 (317) 237-0300
21	Facsimile: +1 (317) 237-1000
22	Email: andrea.pierson@faegredrinker.com
23	Amy R. Fiterman, pro hac vice FAEGRE DRINKER LLP
24	2200 Wells Fargo Center
	90 South Seventh Street
25	Minneapolis MN 55402
26	Telephone: +1 (612) 766 7768 Facsimile: +1 (612) 766 1600
27	Email: amy.fiterman@faegredrinker.com
	, g g
28	Geoffrey M. Drake, pro hac vice

KING & SPALDING LLP 1180 Peachtree Street, NE, Suite 1600 Atlanta, GA 30309 Telephone: 11 (404) 572 4726 Email: gdrake@kslaw.com		C. 633358 4: 2.32 2 vn 00.5 043 8 47 G PG PD o Dourcuenn te 10 1. 6-930 PFiliteet 1 0073 21/5 22/4 Prangue 31/12 off 31/3 9
1180 Peachtree Street, NE, Suite 1600 Atlanta, GA 30309 Telephone: 1404) \$72 4726 Email: gdrake@kslaw.com		
1180 Peachtree Street, NE, Suite 1600 Atlanta, GA 30309 Telephone: 1404) \$72 4726 Email: gdrake@kslaw.com	1	
Atlanta, GA 30309 Tclcphone: +1 (404) 572 4726 Email: gdrak@kslaw.com David P. Mattern, pro hac vice KING & SPALDING LLP 1700 Pennsylvania Avenue, NW, Suite 900 Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Tclcphone: (213) 687-3702 Email: rose.chler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel. Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Tclcphone: (202) 220-1100 Facsimile: (202) 220-2300 Email: no. Committee Commitmental Email: lauren.bell@mto.com	1	
Email: gdrake@kslaw.com	2	·
David P. Mattern, pro hac vice KING & SPALDING LLP 1700 Pennsylvania Avenue, NW, Suite 900 Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degryareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 687-3702 Email: rose.chler@mto.com Email: Ariel.Teshuva@mto.com	3	
David P. Mattern, pro hae vice KING & SPALDING LLP 1700 Pennsylvania Avenue, NW, Suite 900 Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com Attorneys for Defendants TikTok Inc. and ByteDance Inc.	4	Email: gdrake@kslaw.com
1700 Pennsylvania Avenue, NW, Suite 900 Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com		· •
Washington, D.C. 20006 Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com	5	
Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavi	6	
## Attorneys for Defendants TikTok Inc. and ByteDance Inc. ### MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavin, SBN 230269 ### MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 ### Telephone: (415) 512-4000 ### Facsimile: (415) 512-4077 ### Email: jonathan.blavin@mto.com ### Rose L. Ehler (SBN 29652) ### Victoria A. Degtyareva (SBN 284199) ### Laura M. Lopez, (SBN 313450) ### Ariel T. Teshuva (SBN 324238) ### MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 #### Telephone: (213) 687-3702 ### Email: rose.chler@mto.com Email: rose.chler@mto.com Email: Ariel.Teshuva@mto.com Email: Oller & Oller	7	
### Attorneys for Defendants TikTok Inc. and ByteDance Inc. MUNGER, TOLLES & OLSEN LLP	Q	Email: dmattern@kslaw.com
MUNGER, TOLLES & OLSEN LLP By: /s/ Jonathan H. Blavin Jonathan H. Blavin Jonathan H. Blavin SBN 230269 MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4007 Email: jonathan.blavin@mto.com		Attorneys for Defendants TikTok Inc. and
MUNGER, TOLLES & OLSON LLP	9	ByteDance Inc.
Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	10	MUNGER, TOLLES & OLSEN LLP
MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com	11	
13 S60 Mission Street, 27th Floor San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com 16	12	·
San Francisco, CA 94105-3089 Telephone: (415) 512-4000 Facsimile: (415) 512-4000 Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com	12	·
Facsimile: (415) 512-4077 Email: jonathan.blavin@mto.com Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com 23 24	13	· · · · · · · · · · · · · · · · · · ·
Email: jonathan.blavin@mto.com	14	1 , ,
Rose L. Ehler (SBN 29652) Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com		
Victoria A. Degtyareva (SBN 284199) Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	15	Eman. Johathan.blavin@into.com
Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com 23 Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	16	·
Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	17	
MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com		1 ' \
Los Angeles, CA 90071-3426 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	18	· · · · · · · · · · · · · · · · · · ·
Telephone: (213) 683-9100 Facsimile: (213) 687-3702 Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	19	·
Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	20	
Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	20	
Email: Ariel.Teshuva@mto.com Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	21	Email: rose.ehler@mto.com
Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	22	
Lauren A. Bell (pro hac vice forthcoming) MUNGER, TOLLES & OLSON LLP 601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	23	Email: Ariel. I esnuva@mto.com
601 Massachusetts Ave., NW St., Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com		ž v
Suite 500 E Washington, D.C. 20001-5369 Telephone: (202) 220-1100 Facsimile: (202) 220-2300 Email: lauren.bell@mto.com	24	· ·
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1	Attorneys for Defendant Snap Inc.
2	WILSON SONSINI GOODRICH & ROSATI
3	Professional Corporation
3	By: /s/ Brian M. Willen
4	Brian M. Willen (<i>pro hac vice</i>) WILSON SONSINI GOODRICH & ROSATI
5	1301 Avenue of the Americas, 40th Floor
(New York, New York 10019
6	Telephone: (212) 999-5800
7	Facsimile: (212) 999-5899 Email: bwillen@wsgr.com
8	Eman. bwmen@wsgr.com
	Lauren Gallo White
9	Samantha A. Machock
10	WILSON SONSINI GOODRICH & ROSATI One Market Plaza, Spear Tower, Suite 3300
11	San Francisco, CA 94105
11	Telephone: (415) 947-2000
12	Facsimile: (415) 947-2099
13	Email: lwhite@wsgr.com
	Email: smachock@wsgr.com
14	Christopher Chiou
15	WILSON SONSINI GOODRICH & ROSATI
1.0	953 East Third Street, Suite 100
16	Los Angeles, CA 90013 Telephone: (323) 210-2900
17	Facsimile: (866) 974-7329
18	Email: cchiou@wsgr.com
	Attania nos fan Dafan Janta Van Tala III.C. Canala
19	Attorneys for Defendants YouTube, LLC, Google LLC, and Alphabet Inc.
20	EBC, una Impiacoti Inc.
21	WILLIAMS & CONNOLLY LLP
<i>L</i> 1	By: <u>/s/ Joseph G. Petrosinelli</u> Joseph G. Petrosinelli (<i>pro hac vice</i>)
22	ipetrosinelli@wc.com
23	Ashley W. Hardin (pro hac vice)
	ahardin@wc.com
24	680 Maine Avenue, SW
25	Washington, DC 20024 Telephone.: 202-434-5000
26	Fax: 202-434-5029
27	Attorneys for Defendants YouTube, LLC, Google
	LLC, and Alphabet Inc.
28	

	Casse.432644034464476H3H3H5HD0Dwcmilenross) mittaucosese24 Hagesese013459
1	MORGAN, LEWIS & BOCKIUS LLP
2	By: <u>/s/ Stephanie Schuster</u> Stephanie Schuster (<i>pro hac vice</i>)
3	stephanie.schuster@morganlewis.com
	1111 Pennsylvania Avenue NW
4	NW Washington, DC 20004-2541 Tel.: 202.373.6595
5	W 1 D 7 W (CD) (47111)
6	Yardena R. Zwang-Weissman (SBN 247111) yardena.zwang-weissman@morganlewis.com
7	300 South Grand Avenue, 22nd Floor
8	Los Angeles, CA 90071-3132 Tel.: 213.612.7238
9	Brian Ercole (pro hac vice) brian.ercole@morganlewis.com
	600 Brickell Avenue, Suite 1600 Miami, FL 33131-3075
11	Tel.: 305.415.3416
12 13	Attorneys for Defendants YouTube, LLC and Google LLC
	Googie LLC
14	IT IS ORDERED that the foregoing Agreement is approved.
15	$\Theta 0 1110$
16	Dated: March 18, 2024
17	MAGISTRATE JUDGE PETER H. KANG
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APPENDIX 1: PRODUCTION FORMAT

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- 1) **Production Components.** Except as otherwise provided below, ESI must be produced in accordance with the following specifications:
 - a) an ASCII delimited data file (.DAT) using standard delimiters;
 - b) an image load file (.OPT) that can be loaded into commercially acceptable production software (e.g. Concordance);
 - c) single page black-and-white TIFF images, or JPEG images when color is specified herein, or native files with single page placeholder TIFF images depending on the applicable production format for each type of file;
 - d) and document level .TXT files for all documents containing extracted full text or OCR text.
 - e) Family relationships between emails and their attachments, embedded files and their source document, and connected hardcopy documents will be maintained in production. Attachments should be consecutively produced with their parent.
 - f) If a particular document warrants a different production format, the Parties will cooperate in good faith to arrange for a mutually acceptable production format.
- 2) Production Media and Access Controls. Productions must be encrypted and produced through secure electronic means, such as secure file sharing methods (e.g. FTP), or on CD, DVD, flash drive or external hard drive ("Production Media"). Each piece of Production Media must identify a production number corresponding to the production volume (e.g. "VOL001"). Each piece of Production Media must also identify: (a) the case caption; (b) the following label: "This media contains material subject to Court Ordered security measures"; (c) the Producing Party's name; (d) the production date; (e) the Bates Number range of the materials contained on the Production Media.

Nothing in this ESI Order will preclude or impair any and all protections provided the Parties by any Protective Order(s) agreed and entered into by the Parties. Parties will use best efforts to avoid the unnecessary copying or transmittal of produced documents. If questions arise, the Parties will meet and confer to ensure security concerns are addressed prior to the exchange of

any documents.

- aproduction solution and solution and solution and solution approduction must be referenced in the corresponding image load file. The total number of documents referenced in a production's data load file should match the total number of designated document breaks in the image load file(s) in the production. The total number of pages referenced in a production's image load file should match the total number of TIFF files in the production. All images must be assigned a unique Bates number that is sequential within a given document and across the production sets. The Bates Numbers in the image load file must match the corresponding documents' beginning Bates numbers in the data load file. The total number of documents in a production should match the total number of records in the data load file. Load files must not vary in format or structure within a production, or from one production to another except by agreement of the Parties.
- 4) Metadata Fields. Each of the metadata and coding fields set forth below that can be extracted should be produced for each document, except that if the field contains privileged information, that privileged information may be redacted. However, to the extent that metadata does not exist, is not available for any documents produced, this provision shall not be read to require any Party to extract, capture, collect, manually populate, or produce such metadata, with the exception of the following: (a) BEGBATES, (b) ENDBATES, (c) BEGATTACH, (d) ENDATTACH, (e) PRODVOL, (f) ALL CUSTODIANS, (g) CONFIDENTIALITY, (h) REDACTIONS, (i) REDACTION TYPE, (j) HASHVALUE, (k) NATIVEFILEPATH, and (l) TEXTFILEPATH, which should be populated by the Party or the Party's vendor. The Parties will make reasonable efforts to ensure that metadata fields automatically extracted from the documents correspond directly to the information that exists in the original documents.

Field Name	Field Description
BEGBATES	Beginning Bates number for a particular document as stamped on the first production image for that document
ENDBATES	Ending Bates number as stamped on the last

Field Name	Field Description
	production image for a particular document
BEGATTACH	First production Bates number of the first document in a family
ENDATTACH	Last production Bates number of the last document in a family
ATTACHCOUNT	Number of attachments to an e-mail or embedded parent, as generated by commercially available discovery processing tools.
ATTACHNAMES	Names of each individual Attachment, separated by semicolons.
PRODVOL	Production volume
ALLCUSTODIANS	List of all custodians associated with Document, i.e. "Custodian" + "Other Custodian" values delimited by semicolon.
ALLFILEPATHS	All original path(s) to the individual source file(s) when available in the ordinary course of business to and processable by the parties and their ESI vendors of choice. Includes pa up to and including internal path of containers.
CONFIDENTIALITY	Confidentiality designation assigned to the document consistent with the Stipulated Protective Order governing this Litigation
NATIVEFILEPATH	Native File Link (Native Files only)
TEXTFILEPATH	Path to extracted text/OCR file for the document
HASHVALUE	MD5 hash value of the document
DOCUMENT TYPE	Descriptor for the type of document: "Edocument" for electronic documents not attached to e-mails; "E-mail" for all e-mails "E-attachment" for files that were attachment to e-mails; and "Physical" for hard copy physical documents that have been scanned and converted to an electronic image.
AUTHOR	Any value populated in the Author field of t

Field Name	Field Description	
	document properties	
DOCDATE	Date the document was created according filesystem information (format: MM/DD/YYYY)	
DATELASTMODIFIED	Date when document was last modified according to filesystem information (for MM/DD/YYYY)	
LAST MODIFIED BY	Last person who modified (saved) a document, as generated by commercially available discovery processing tools.	
TRACK CHANGES	Y if a document with track changes value otherwise N or empty, if available separa from the HASHIDDENDATA flag	
COMMENTS	Y if a document with comments, otherwing or empty, if available separately from the HASHIDDENDATA flag	
HASHIDDENDATA	Y if a document with hidden content value otherwise N or empty	
FILENAME	Filename of an electronic document	
TITLE	Any value populated in the Title field of document properties	
DOCEXT	File extension of document pulled from t document properties	
FROM	The sender of the email	
ТО	All recipients that were included on the 'line of the email	
CC	All recipients that were included on the 'line of the email	
BCC	All recipients that were included on the "BCC" line of the email	
DATETIMERECEIVED	Date and time email was received (forma MM/DD/YYYY HH:MM)	
DATETIMESENT	Date and time email was sent (format: MM/DD/YYYY HH:MM)	

Field Name	Field Description	
TIMEZONE	The timezone used to process the document	
EMAILSUBJECT	Subject line of email pulled from the document properties	
THREADID	If a threading tool is used for emails, the thread id generated by the threading tool.	
General category of redaction reason as agreed to by the parties. For example, SCA, CODE, and/or PRIV. If more that separate reasons by semicolons.		
REDACTIONS	Y if a document is redacted, otherwise N or empty	

- 5) TIFFs. Unless excepted below, single page, black and white, Group IV TIFFs should be provided, at least 300 dots per inch (dpi) for all documents. Each TIFF image must be named according to a unique corresponding Bates number associated with the document. Each image must be branded according to the Bates number and the agreed upon confidentiality designation. Original document orientation should be maintained (i.e., portrait to portrait and landscape to landscape). Where the TIFF image is unreadable or has materially degraded the quality of the original, the Producing Party shall provide a higher quality TIFF image or the native or original file. In addition, the Parties shall take reasonable efforts to process word processing documents (e.g., MS Word) with track changes and/or comments unhidden on the TIFF image.
- 6) Color. Word processing documents containing tracked changes shall be produced in color, as single-page, 300 dpi JPG images with JPG compression and a high quality setting as to not degrade the original image. The Producing Party shall comply with good faith by the Requesting Party to provide replacement color images for documents originally produced in black and white. A Party making such a request shall make the request by individual Bates

¹ The Parties will provide specific information on any privilege(s) asserted in their privilege logs, in an overlay, or the redaction boxes. The "Redaction Reason" field is informational only for redaction type and shall not in any way limit a party's right to assert attorney-client privilege, attorney-work product privilege, and/or any other applicable privilege or protection.

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number(s) and shall limit requests made pursuant to this paragraph to a reasonable number of documents.

- **7**) **Text Files.** A single multi-page text file must be provided for each document, and the filename should match its respective TIFF filename for the first page of that document. Extracted text shall be generated with commercially acceptable technology set to include all comments, revisions, tracked changes, speaker's notes and text from documents with comments or tracked changes, and hidden and very hidden worksheets, slides, columns and rows. When possible, the text of native files should be extracted directly from the native file. Parties will perform optical character recognition ("OCR") on foreign language documents using the appropriate settings for languages reasonably anticipated to be in the production following a meet and confer with the Requesting Party to identify those languages. Text files will not contain the redacted portions of the documents. A commercially acceptable technology for OCR should be used for all scanned, hard copy documents and for documents with redactions other than Excel files and other spreadsheets which shall be redacted in native format. Text extracted from emails should include the following header information where available: (1) the individuals to whom the communication was directed ("To"), (2) the author of the email communication ("From"), (3) who was copied and blind copied on such email ("CC" and "BCC"), (4) the subject line of the email ("RE" or "Subject"), and (5) the date and time of the email. To the extent the text extraction technology the Parties are using can be configured to include the text of any URLs or links, the Parties shall utilize that setting.
- Native files. Spreadsheets (*e.g.* MS Excel), and un-redacted presentations (e.g. Microsoft PowerPoint,) will be produced in native format to the extent that they are produced in this Litigation, audio, video, and multi-media files will be produced in native format. The Parties will meet and confer on the production of other file types, such as proprietary files, etc. Native files will be produced with a link in the NATIVEFILEPATH field, along with extracted text (where extracted text is available) and applicable metadata fields set forth in paragraph 4 above. A Bates numbered TIFF placeholder indicating that the document was provided in native format must accompany every native file. Where redaction makes production of native-format

files other than spreadsheets or presentations infeasible, the Parties will confer to determine a reasonably usable form for the production, but spreadsheets shall presumptively be redacted in native, and presentations presumptively redacted in image form, in these cases without the need for further conferring.

- hardcopy will be scanned to *.tiff image format and produced in accordance with the specifications set forth herein. Hard copy documents that are not text-searchable shall be made searchable by OCR prior to production. In scanning paper documents, distinct documents should not be merged into a single record, and single documents should not be split into multiple records (i.e., paper documents should be logically unitized). In the case of an organized compilation of separate documents (for example, a binder containing several separate documents behind numbered tabs), the document behind each tab should be scanned separately, but the relationship among the documents in the compilation should be reflected in the proper coding of the beginning and ending document and attachment fields. The Parties will make their best efforts to unitize the documents correctly. If relevant documents are maintained in a file, folder, envelope, binder, notebook or similar container used to store documents, all contents therein shall be reviewed for production and privilege. Document pages which have affixed notes, such as Post-it notes, should be imaged with and without the note attached.
- 10) Confidentiality Designation. All images will be stamped with the appropriate confidentiality designations in accordance with the Stipulated Protective Order entered in this Litigation. Each document produced in native format will have its confidentiality designation identified in the filename of the native file and indicated on its corresponding TIFF placeholder.
- 11) Bates Numbering. Bates numbering should be a consistent length across the production, contain no special characters, and be numerically sequential within a given document. If a Bates number or set of Bates numbers is skipped, the skipped number or set of numbers should be noted with a placeholder. Attachments to documents will be assigned Bates numbers that directly follow the Bates numbers on the documents to which they were attached.

In addition, wherever possible, each image will have its assigned Bates number electronically "burned" onto the image.

- information is stored in a database, or database management system, or proprietary system or application which has is directed to data storage as one of its primary functions, the Producing Party will identify the database and platform to the Requesting Party. The Producing Party shall produce exports and reports about such responsive information stored in such database, where such exports and reports shall be in a reasonably usable form, and information may be produced in CSV format, tab-delimited text format, Microsoft Excel format, or Microsoft Access format. If there are future disputes over the production of information from a database, the Parties shall meet and confer in good faith in an attempt to reach any further agreements (if needed) on the data to be produced and the format and scope of the production. The Producing Party will provide reasonable amounts of information about the databases to facilitate that discussion.
- inside a responsive document (including hyperlinked inside emails) within a Producing Party's custody, possession, or control, do not need to be produced in the first instance as part of the same family group as the Document residing at the location to which that hyperlink points. If there are particular hyperlinks identified by the Requesting Party in produced documents, the Requesting Party may submit a list of hyperlinks to a particular Producing Party for potentially relevant documents by identifying the Bates number and URL or link text for each requested link to the Producing Party, and the Producing Party will engage in reasonable efforts to locate the hyperlinked document at that location and either identify it by Bates number or provide any responsive, non-produced, and non-privileged documents. The number of hyperlinks a Requesting Party may identify to a Producing Party shall not be excessive and shall be reasonable, proportional to the needs of the case, and not unduly burdensome.
- **14) Embedded Objects.** The Parties agree non-substantive embedded objects, including, but not limited to, logos, icons, emoticons, and footers, may be culled from a document set (but not a document) and need not be produced as separate documents by a

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Producing Party (i.e., such embedded objects will be produced within the document itself, rather than as separate documents). Embedded files, except for images (including but not limited to, logos, icons, emoticons), are to be produced as family groups. Embedded files should be assigned Bates numbers that directly follow the Bates numbers on the documents within which they are embedded.

- **15**) **Production of Family Groups and Relationships**. If any member of a family group is produced, all members of that group must also be produced or else logged as privileged, and no such member shall be withheld from production as a duplicate.
- Dynamic Fields. Documents with dynamic fields for file names, dates, and **16**) times will be imaged to show the field code (e.g., "[FILENAME]") where possible, rather than the values for such fields existing at the time the file is processed.
- **17**) **Time Zone**. The time zone used to process a document, including its metadata, shall be disclosed in the TIMEZONE metadata field consistent with Appendix 1, and shall be standardized for each Defendant across productions.

18) Redactions.

- A Producing Party may redact (i) information subject to the attorney client a) privilege or the work product protection (PRIV); (ii) information that cannot be disclosed pursuant to the Stored Communications Act (SCA); (iii) source code subject to separate agreement applicable to production of source code (CODE); (iv) personal identifying information (PII) including phone numbers, personal addresses, personal email addresses, the month and day of birth, driver's license numbers, and other PII agreed to by the Parties (for example, the Parties shall complete their meet and confer on whether or not to redact users' ages and years of birth). In any event, there shall be no redaction of illnesses, injuries, and medical diagnoses. To the extent a document or pleading contains PII, the Parties shall designate such documents at the appropriate Confidentiality level under the Protective Order and shall comply with Fed. R. Civ. P. 5.2 with regard to filings with the Court.
- No redactions for relevance may be made within a produced document or ESI b) item. If, during the course of discovery, the Parties identify other kinds of information that any STIP. & [Proposed] Order Governing the

Party has a reasonable basis for redacting, the Parties will meet and confer on a case-by-case basis regarding that information before such redactions are made. If the Parties cannot agree, they may seek resolution from the Court.

- c) The Producing Party will indicate, on the face of the redaction, the asserted reason(s) for the redaction (PII, SCA, CODE, and/or PRIV) and the REDACTION TYPE metadata field shall indicate that the document contains redactions and the reason(s) for the redaction.
- d) Notwithstanding the foregoing, this provision shall not be read to prohibit redactions permitted under any applicable U.S. law or Protective Order.
- e) Where a responsive document contains both redacted and non-redacted content, the Parties shall produce the non-redacted portions of the document and the OCR text corresponding to the non-redacted portions.
- f) Native Redactions. Spreadsheet files requiring redaction, including without limitation Microsoft Excel files, shall be redacted and produced natively (unless the Parties agree to production in some other format). In addition, a Producing Party may natively redact other files that cannot be properly imaged for redaction.
- g) All images of redacted files shall be processed to show all comments, revision marks, speaker notes, marks made in track changes, or other user-entered data which are visible in a normal view of the document in its native application, unless such material is redacted and marked as redacted in accordance with this section. Where possible, any occurrences of date/time auto-field items, including in headers and footers, will be removed and replaced with the term AUTODATE to prevent the current date from being printed. Email header information (e.g., date and/or subject line) shall not be redacted unless it is independently privileged. The Parties shall honor reasonable requests for the production of particular redacted documents in other formats where the image is not reasonably usable.
- h) Color. Redacted versions of documents that would have been produced in color in their un-redacted form shall be produced in color as detailed herein.

-) **Exception Files**. The Parties will use reasonable efforts to address processing exceptions.
- data that can reasonably be extracted and produced in the formats described herein is identified on a mobile or handheld device, that data shall be produced in accordance with the generic provisions of this protocol. To the extent that responsive data identified on a mobile or handheld device is not susceptible to normal production protocols, the Parties will meet and confer to address the identification, production, and production format of any responsive documents and data contained on any mobile or handheld device.

COVINGTON

BEIJING BOSTON BRUSSELS DUBAI FRANKFURT
JOHANNESBURG LONDON LOS ANGELES NEW YORK
PALO ALTO SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP One CityCenter 850 Tenth Street, NW Washington, DC 20001-4956 T +1 202 662 6000

DELIVERED VIA PROCESS SERVER

July 17, 2024

New Jersey Department of Health 14 E. Front Street Trenton, New Jersey 08608

Re: People of the State of California v. Meta Platforms, Inc., 4:23-cv-05448

Dear Sir/Madam:

Enclosed please find a subpoena being served upon you in connection with the above-captioned litigation currently pending in the U.S. District Court for the Northern District of California. I represent Defendants Meta Platforms, Inc.; Instagram, LLC, Meta Payments, Inc., Meta Platforms Technologies, LC and Mark Zuckerberg (collectively, the "Meta Defendants") in this matter.

The document subpoena requests the production of specific documents identified in the attached subpoena (see Attachment A to the subpoena), which are requested to be produced by 10 am on August 19, 2024. We are willing to work with you on the time, date, location, method and manner of document production, as well as answer any questions or concerns you may have regarding subpoena compliance. It is sufficient compliance with this subpoena if you electronically transmit a copy of the requested documents to the undersigned. As such, please contact me at (202) 662-5801 or spetkis@cov.com, to discuss document production and subpoena compliance, unless you are already represented by counsel in connection with this matter.

The Court is currently considering whether the New Jersey Attorney General's Office has control over New Jersey Department of Health's information for the purposes of discovery in this action. If the Court rules that the New Jersey Attorney General's Office has control over the New Jersey Department of Health's information, the New Jersey Attorney General has pending discovery requests that seek this agency's documents. By serving this subpoena, Meta does not waive its position in the state agency dispute, nor does Meta in any way waive rights to compel the New Jersey Attorney General to produce New Jersey Department of Health information as part of discovery in this action. However, to avoid further delay in the production of information from the New Jersey Department of Health, Meta is serving the attached subpoena to request the timely production of this information.

Your anticipated time and assistance with this matter is greatly appreciated.

COVINGTON

New Jersey Department of Health July 17, 2024 Page 2

Best regards,

/s/ Stephen Petkis

Stephen Petkis

Enclosed: Subpoena, Attachment A, and Attachment B

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Name of person to whom this subpoena is directed) Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following focuments, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the naterial: See Attachment A. Place: Shook, Hardy & Bacon, Attn: Jennifer Blues Kenyon Two Commerce Square, 2001 Market Street, Suite 3000 Philadelphia, PA 19103-7004 □ Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting panay inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it. Place: □ Date and Time: The following provisions of Fed. R. Civ. P. 45 are attached − Rule 45(c), relating to the place of compliance; cule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty espond to this subpoena and the potential consequences of not doing so. Ontice: □ 07/17/2024 CLERK OF COURT OR /s/ Ashley Simonsen	Northern Distri	rict of California
Meta Platforms, Inc., et al. Defendant SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION New Jersey Department of Health 14 E. Front Street, Trenton, NJ 08608 (Name of person to whom this subpoena is directed) Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the naterial: See Attachment A. Place: Shook, Hardy & Bacon, Attn: Jennifer Blues Kenyon Two Commerce Square, 2001 Market Street, Suite 3000 Philadelphia, PA 19103-7004 Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting part analy inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it. Place: Date and Time: The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty espond to this subpoena and the potential consequences of not doing so. Or/17/2024 CLERK OF COURT OR // Ashley Simonsen	People of the State of California, et al.	
Meta Platforms, Inc., et al. Defendant)	
SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION To: New Jersey Department of Health 14 E. Front Street, Trenton, NJ 08608 (Name of person to whom this subpoena is directed) Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following ocuments, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the naterial: See Attachment A. Place: Shook, Hardy & Bacon, Attn: Jennifer Blues Kenyon Two Commerce Square, 2001 Market Street, Suite 3000 Philadelphia, PA 19103-7004 Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or ther property possessed or controlled by you at the time, date, and location set forth below, so that the requesting panay inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it. Place: Date and Time: The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; to this subpoena and the potential consequences of not doing so. Orith-17/2024 CLERK OF COURT OR /// Ashley Simonsen	v.) Civil Action No. 4:23-cv-05448
SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION To: New Jersey Department of Health 14 E. Front Street, Trenton, NJ 08608 (Name of person to whom this subpoena is directed) **Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following ocuments, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the naterial: See Attachment A. **Place: Shook, Hardy & Bacon, Attn: Jennifer Blues Kenyon Two Commerce Square, 2001 Market Street, Suite 3000 Philadelphia, PA 19103-7004 Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or ther property possessed or controlled by you at the time, date, and location set forth below, so that the requesting para pay inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it. Place: Date and Time: The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; the 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty espond to this subpoena and the potential consequences of not doing so. OR	Meta Platforms, Inc., et al.	
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OR /s/ Ashley Simonsen	Rule 45(d), relating to your protection as a person subject to espond to this subpoena and the potential consequences of	o a subpoena; and Rule 45(e) and (g), relating to your duty to
/s/ Ashley Simonsen	CLERK OF COURT	
	Signatura of Clark or Donuty Cla	
Signature of Clerk of Deputy Clerk Attorney's signature	Signature of Clerk or Deputy Cle	erk Attorney's signature
te name, address, e-mail address, and telephone number of the attorney representing (name of party)		the attorney representing (name of party)
ta Platforms, Inc. f/k/a Facebook, Inc.; Instagram, LLC, Meta Payments, Inc.,	ta Platforms, Inc. f/k/a Facebook, Inc.; Instagram, LLC, Meta Payments, Inc., ta Platforms Technologies, LLC; and Mark Zuckerberg,	

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 4:23-cv-01615

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

date)	abpoena for (name of individual and title, if an		
☐ I served the s	ubpoena by delivering a copy to the nar	med person as follows:	
		on (date) ;	or
☐ I returned the	subpoena unexecuted because:		
tendered to the v		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	penalty of perjury that this information i	s true.	
::		Server's signature	
		Printed name and title	
		Trinea name ana mie	

Additional information regarding attempted service, etc.:

Print Save As... Add Attachment Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

DEFINITIONS AND INSTRUCTIONS TO ATTACHMENT A

DEFINITIONS

- 1. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- 2. "Document" or "documents" shall have the broadest meaning ascribed to it by the Federal Rules of Civil Procedure, and includes, without limitation electronically stored information ("ESI") (including, without limitation, electronic databases and the data therein, all electronic messages or communications, electronic word processing documents, electronically stored voicemail, webpages, and social media posts) in accordance with any order in this case governing ESI at the time of production. Different versions of the same documents, including, but not limited to, drafts or documents with handwritten notations or marks not found in the original or on other copies are different documents.
 - 3. "You", "you", "Your" and "your" means the New Jersey Department of Health.
- 4. "Relating" or "related to" means and includes referring to, concerning, referencing, mentioning, associated with, constituting, discussing, containing, embodying, recording, reflecting, identifying, summarizing, incorporating, and/or dealing with or pertaining to in any way.
 - 5. "And" includes "or", and vice versa.
 - 6. The singular form of a word or term includes the plural, and vice versa.
 - 7. The present tense of a verb includes the past tense, and vice versa.
- 8. The use of the article "the" shall not be construed as limiting the scope of any request.
 - 9. "Including" means "including without limitation."

- 10. "Any" includes "all", and vice versa.
- 11. The capitalized version of a word or term includes the lower case version of a word or term, and vice versa.
- 12. "Social Media Platforms" or "Platforms" means a digital service that facilitates interactions between two or more distinct but interdependent sets of users, including but not limited to Facebook, Instagram, Snapchat, TikTok, YouTube, Twitter (or "X"), Pinterest, LinkedIn, BeReal, Lapse, Reddit, Threads, VSCO, Goodreads, Quora, Discord, Twitch, and Tumblr.
- 13. "Young Users" means users of Social Platforms who are under 18 years of age when using the Platform(s).

All words, terms, and phrases not specifically defined herein are to be given their normal and customary meaning in the context in which they are used in these Requests.

INSTRUCTIONS

- 1. These Requests are intended to cover any and all documents in your possession, custody, or control, to the extent not privileged. Documents held by any office, department, board, commission, or instrumentality of the New Jersey Department of Health are within your possession, custody, or control.
- 2. In accordance with ESI Protocol attached hereto as Attachment B, if you object to furnishing any of the documents or information requested by these Requests on the grounds of attorney-client privilege, work product, other privilege, or otherwise then, with respect to each such document:
 - a. state the nature of the privilege claimed;
 - b. state the date of each communication supporting the privilege claim;
 - c. identify all participants in the supporting communication;
 - d. state the specific grounds on which the objection is based; and

- e. identify the specific request calling for such information;
- 2. If you object to any Request on the grounds that it is vague or ambiguous, state: (i) the portions or terms of such Request that you claim to be vague or ambiguous; and (ii) the interpretation of the Request pursuant to which you provide a response.
- 3. Each request shall be deemed continuing, so as to require supplemental or mandatory responses should you obtain additional responsive information subsequent to your initial responses.
- 4. If you cannot fully respond to a particular Request after exercising due diligence to make inquiry and to secure the necessary information, provide a response to the extent possible, specifying your inability to respond to the remainder and providing whatever information or knowledge you have concerning the portion not responded to.
- 5. Each page of a produced document shall have a legible, unique page identifier ("Bates Number") and confidentiality legend (where applicable) on the face of the image at a location that does not obliterate, conceal, or interfere with any information from the source document. Redactions should be clearly marked or stamped on the page in such a way that it is clear from review that a portion of the image has been redacted.
- 6. All responsive and non-privileged electronic documents shall be produced in the format ordered by the Court in its ESI order.
- 7. All responsive electronic documents shall be produced in a format agreed upon by the parties, to include at least native versions of Excel spreadsheets and presentation files, with a Bates-stamped placeholder image.
- 8. Unless otherwise specified, the time period for these Requests is January 1, 2012 to the date of production of the Documents.

ATTACHMENT A

- 1. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of persons ages 13 to 18.
- 2. Research, investigations, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms, including the importance of Social Media Platforms and the use of Social Media Platforms by Young Users and the potential benefits and harms created by the use of Social Media Platforms.
- 3. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of Young Users, including those related to the effects of:
 - a. Social Media Platforms usage;
 - b. Video games usage;
 - c. Cell phone usage;
 - d. Messaging usage;
 - e. Usage of other electronics apart from usage of Social Media Platforms;
 - f. COVID-19 and/or remote learning;
 - g. Use of drugs or alcohol;
 - h. The opioid and fentanyl epidemic;
 - i. Poverty, homelessness, lack of health insurance, and/or food insecurity;
 - j. Physical health including nutrition, exercise, weight management, sleeping habits, and sexual activity;
 - k. Family trauma or deaths;
 - 1. Academic pressure;
 - m. Violence, including school violence, domestic violence, gun violence, gun control and/or mass shootings;
 - n. Bullying or verbal abuse apart from usage of Social Media Platforms;
 - o. Political polarization;
 - p. Natural disasters;
 - q. Climate change;
 - r. Discrimination and inequity;
 - s. Global warfare and conflict; and
 - t. Any other potential causes of harms to the mental, social, emotional, or behavioral health of Young Users.
- 4. Youth Risk Behavior Surveys conducted by the New Jersey Department of Health or on its behalf.
- 5. Research, investigations, studies, surveys, reports, evaluations, or analyses related to:
 - a. Features of Social Media Platforms that are psychologically or physically harmful to Young Users;
 - b. Features of Social Media Platforms that promote compulsive, prolonged, or unhealthy use by Young Users;
 - c. The impact of features of Social Media Platforms, including:

- (1) Algorithmic recommendation and sequencing;
- (2) Image filters;
- (3) Use of multiple user accounts;
- (4) Infinite scroll;
- (5) Ephemeral content features;
- (6) Autoplay;
- (7) Quantification and display of likes; or
- (8) Audiovisual and haptic alerts.
- 6. Programs, initiatives, efforts, or actions proposed or taken by the New Jersey Department of Health to address Young Users' use of Social Media Platforms, including any program, initiative, effort, or action to prevent, limit, encourage, or promote the use of Social Media Platforms by Young Users.
- 7. Policies proposed, recommended, or enacted by the New Jersey Department of Health regarding screen time and acceptable use of cell phones, computers, tablets, or other electronic devices by Young Users.
- 8. Complaints to the New Jersey Department of Health by teachers or school districts regarding social media or cell phone use by Young Users and/or the need for acceptable use or other policies to address Young Users' use of social media or cell phones.
- 9. Complaints to the New Jersey Department of Health by teachers or school districts regarding budget crises from inflation, underfunding, unfunded mandates, and other causes.
- 10. Documents related to state assessments in New Jersey, including reports and analyses regarding the history of K-12 state assessment or standardized testing scores, performance by schools and/or school districts, and any other measures of school performance.
- 11. Legislation or policies proposed by, proposed on behalf of, or testified on by the New Jersey Department of Health, regardless of whether such legislation or policies were enacted, regarding Young Users' use of Social Media Platforms.
- 12. Mental, social, emotional, or behavioral health services provided by the New Jersey Department of Health to Young Users during the Relevant Period, including:
 - a. Counseling or therapy;
 - b. Psychiatric services;
 - c. Crisis intervention;
 - d. Inpatient short-term and long-term programs;
 - e. Resource centers; and
 - f. Services for Young Users dealing with substance abuse or addiction issues.
- 13. Any and all New Jersey Department of Health grants to address Young Users' mental health, including information about when, where, why, and how any disbursements were

- paid, any schedules or plans for future disbursements, policies governing evaluation or approval of such disbursements, records of how the disbursements were used, and all agendas, minutes, notes, or recordings from meetings related to such grant.
- 14. Public or non-public meetings held by the New Jersey Department of Health related to Social Media Platforms and use of Social Media Platforms by Young Users, including but not limited to, notices, meeting notes, PowerPoint presentations, internal memoranda, summaries, personal notes, or attendee lists.
- 15. Policies, procedures, and practices related to the New Jersey Department of Health's use of Social Media Platforms, including communication of information or promotion of New Jersey Department of Health's programs, initiatives, efforts, or actions on Social Media Platforms.
- 16. New Jersey Department of Health's communications and/or collaboration with any Social Media Platform on any program, initiative or other action related to, or directed at, Young Users.
- 17. New Jersey Department of Health's communications with any third party related to Young Users and/or Social Media Platforms.
- 18. Budgeted and actual expenditures by the New Jersey Department of Health during the Relevant Period related to Young Users' use of Social Media Platforms.
- 19. Budgeted and actual expenditures by the New Jersey Department of Health during the Relevant Period related to treatment of teen mental, social, emotional, or behavioral health issues.
- 20. Policies, procedures, and practices applicable to the New Jersey Department of Health and New Jersey Department of Health employees regarding the use of Social Media Platforms, including any changes to these policies during the Relevant Period.
- 21. Studies, programs, initiatives, efforts, or actions proposed or taken by the New Jersey Department of Health that sought to provide or promote internet access or phones, computers, tablets, or other electronic devices to Young Users.
- 22. New Jersey Department of Health's budget and actual expenditures during the Relevant Period, including expenditures on:
 - a. Digital advertisements by the New Jersey Department of Health on Social Media Platforms;
 - b. Digital advertisements by the New Jersey Department of Health purchased through Social Media Platforms.

ATTACHMENT B

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6	IN THE UNITED STATE	ES DISTRICT COURT
7	FOR THE NORTHERN DIS	TRICT OF CALIFORNIA
8		,
9	IN RE: Social Media Adolescent Addiction/Personal Injury Products Liability	MDL No. 3047 Case No. 4:22-md-03047-YGR
10	Litigation	Honorable Yvonne Gonzalez Rogers
11	This document relates to:	Honorable Peter H. Kang
12	ALL ACTIONS	STIPULATION AND [PROPOSED]
13		ORDER GOVERNING THE PRODUCTION OF
14		ELECTRONICALLY STORED INFORMATION AND HARD COPY
15		DOCUMENTS
16		
17	1. PURPOSE	
18	This Order Governing the Production of El	ectronically Stored Information and Hard Copy
19	Documents ("ESI Order") will govern discovery or	f electronically stored information and any hard
20	copy documents in this Litigation as a supplement	to the Federal Rules of Civil Procedure, this
21	District's Guidelines for the Discovery of Electron	ically Stored Information, and any other
22	applicable orders and rules. "This Litigation" inclu	ides all actions currently in MDL No. 3047, In
23	Re: Social Media Adolescent Addiction/Personal I	njury Products Liability, or hereafter added or
24	transferred to MDL No. 3047, and all actions later	remanded to their respective transferor courts.
25	2. DEFINITIONS	
26	a) "Document" is defined to be synonymo	ous in meaning and equal in scope to the usage
2.7	of this term in Rules 26 and 34 of the F	ederal Rules of Civil Procedure and shall

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include Hard-Copy Documents and ESI.

- b) "Electronically stored information" or "ESI," as used herein has the same meaning as in Federal Rules of Civil Procedure 26 and 34.
- c) "Hard-Copy Document" means Documents existing in paper form at the time of collection.
- d) "Searchable Text" means the native text extracted from an Electronic Document and any Optical Character Recognition text ("OCR text") generated from a Hard-Copy Document or electronic image.

3. COOPERATION

The Parties are aware of the importance the Court places on cooperation and commit to cooperate in good faith throughout this Litigation consistent with this Court's Guidelines for the Discovery of ESI and this Court's Rules of Professional Conduct. The Parties will endeavor to cooperate in good faith and be reasonably transparent in all aspects of the discovery process.

4. LIAISON

The Parties will identify Discovery Liaisons to each other who are and will be knowledgeable about and responsible for discussing their respective ESI. Any Party is free to change their designated Discovery Liaison by providing written notice to the other Parties. Each Party's Discovery Liaison must: (a) be prepared to meet and confer on discovery-related matters and to participate in discovery dispute resolution; (b) be knowledgeable about the Party's discovery efforts; (c) be, or have reasonable access to those who are, familiar with the Party's electronic systems and capabilities in order to explain those systems and answer relevant questions; and (d) be, or have reasonable access to those who are knowledgeable about the technical aspects of discovery, including electronic document storage, organization, and format issues, and relevant information retrieval technology, including search methodology.

5. IDENTIFICATION OF CUSTODIANS AND DATA SOURCES

The parties will disclose information about custodians and custodial and non-custodial data sources likely to possess relevant or responsive information in accordance with Fed. R. Civ. P. 26 and this District's ESI Guidelines. The Parties will participate in Rule 26(f) discussions guided by this District's Checklist for Rule 26(f) Meet and Confer Regarding Electronically

Stored Information. After responses to Requests for Production under Fed. R. Civ. P. 34 have

been served, the parties will meet and confer regarding those custodians and custodial and non-

custodial data sources from which Documents and ESI will be collected for search and review for

potential production in this litigation. The custodian and data source exchanges will include brief

explanations of the rationale for their selections; for example, for custodians, their current job

titles and descriptions of their work, and for data sources, location information and description.

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6. INACCESSIBLE OR UNUSABLE ESI

If a Producing Party asserts that certain requested ESI is inaccessible or not "reasonably accessible," otherwise unnecessary, or if the Receiving Party asserts that, following production, certain ESI is not reasonably useable, the parties shall meet and confer to discuss resolving such assertions. The parties will exchange sufficient information to enable the parties to confer in good faith. If the parties cannot resolve any such disputes after such a meet and confer has taken place, the issue shall be presented to the Court for resolution.

7. KNOWN RESPONSIVE DOCUMENTS

Documents or ESI identified in a custodial or non-custodial file, or in a discrete folder or collection, that are known to a Producing Party through reasonable investigation to be responsive to a discovery request shall be collected for review without regard to whether the responsive content was located via any search methodology developed in accordance with this Order, and nothing about such review shall prevent the Producing Party from redacting or withholding and logging such documents for applicable privileges.

8. SEARCH METHODOLOGIES

The Parties shall adopt reasonable and proportionate methodologies to identify, search, collect, cull, review, and produce ESI as required under applicable legal standards. The Parties recognize and agree that each Party may use one or more methodologies to identify, search, collect, cull, review, and produce responsive and non-privileged ESI, including the use of keyword search terms and/or the use of technology assisted review ("TAR") as discussed further herein. The Parties further recognize that different data sets may implicate different methodologies to identify, search, collect, cull, review, and produce responsive and non-

privileged ESI. The Parties therefore agree to meet and confer in good faith regarding any potential disputes over their respective ESI productions.

9. HIT REPORTS AND SEARCH TERMS

ESI, the Producing Party shall disclose the search terms to the Requesting Party. The Parties shall meet and confer regarding any disputes over the disclosed search terms. In the event that a Producing Party claims burden with respect to modified and/or additional search terms proposed by a Requesting Party, the Producing Party shall provide a hit report for the terms at issue using industry-standard processing tools, such as NUIX or other similar tools. The Producing Party shall provide a hit report for the document collection where the terms were applied, including the following with respect to each proposed or modified search term in the collection:

- a) The number of documents with hits for that term; and
- b) The number of unique documents, i.e., documents which do not have hits for any other term.

If, after reviewing a hit report from a Producing Party, a Requesting Party so chooses, it may reasonably request a further hit report which includes:

- c) The number of family members, including the documents with hits, of the documents with hits for that term; and
- d) The number of unique family members of the documents with hits for that term.

If the ESI tool for the Producing Party is capable without undue burden of providing the number of family members and unique family members, then the Producing Party shall provide such further hit report. The Parties (including the person most knowledgeable about the capabilities of the Producing Party's ESI tool and the Requesting Party's person most knowledgeable about technical issues from its ESI service provider) shall meet and confer regarding any disputes over whether the Producing Party's ESI tool has the capability or not to provider either number of family members or number of unique family members.

The Parties shall meet and confer to resolve disagreements over the search terms or their application. To the extent the Parties are unable to reach agreement on the application of, or

procedures for, any search or filtering processes, the Parties shall fully comply with the provisions of this Court's Discovery Standing Order regarding the procedure for raising discovery disputes with the Court, including the meet and confer and certification requirements therein.

10. TECHNOLOGY ASSISTED REVIEW (TAR)

A Producing Party may use TAR (technology-assisted review) during the culling and review process of ESI, which may be applied in addition to search terms. If a Producing Party uses TAR to cull, filter out, or exclude documents from that Party's production, that Producing Party shall do the following:

- If a Producing Party chooses to apply both search terms and TAR to a review set, the Producing Party will disclose the search terms to all other Party/Parties.
- Disclose the name of the TAR tool or service used to all other Party/Parties.

11. VALIDATION

Each Producing Party shall take reasonable steps to validate its review process (i.e., using quality control measures to determine whether its production is missing relevant ESI or contains substantial amounts of irrelevant ESI) and make any necessary adjustments or corrections to its process. If, after reviewing a Producing Party's production, a Requesting Party reasonably requests additional information regarding the validation method(s) used by the Producing Party, the Producing Party will disclose the level of end-to-end recall (the percentage of responsive Documents in the collection which were identified as responsive by that Producing Party's methodology). If there remain disputes between the Parties regarding validation, the Parties shall meet and confer to resolve such disputes in good faith, including a reasonable discussion regarding the tool used and the parameters used to obtain or calculate the level of recall.

12. UNSEARCHABLE DOCUMENTS

The Producing Party shall use reasonable efforts to identify and review potentially responsive documents for which text-based search technologies are fundamentally ineffective.

13. SYSTEM FILES

Each Party will use its best efforts to filter out common system files and application executable files using the national software reference library ("NSRL") NIST hash set list. The

Parties also may filter out stand-alone files identified as zero bytes in size. Additional culling of file types based on file header information may be applied to the following, provided these files are not known to be otherwise attached, embedded in, or included with an otherwise responsive document, or are not themselves reasonably known to contain information responsive or contain responsive data or are used to interface with users or interact with or access individual or aggregated user data: Application Package File, Backup Files, Batch Files, Binary Disc Image, C++ File Formats, Cascading Style Sheet, Configuration File, Database File, Dictionary Files, Dynamic Link Library, Event Log Files, Executable Files, Hypertext Cascading Stylesheet, Java Archive Files, JavaScript Files, JavaScript Source Code and Class Files, Macintosh Resource Fork Files, Package Manager Files, Program Files, Program Installers, Python Script Files, Shell Script Files, System or Temporary Files, Thumbnail Cache Files, Troff Files, Truetype Font Files, Windows Cabinet File, Windows Command Files, Windows File Shortcut, Windows Help Files, Windows Metafiles and Enhanced Metafiles, Windows Spool Files, Windows System File.

14. **DEDUPLICATION**

2.1

Each Producing Party shall make reasonable efforts to globally deduplicate exact duplicate Documents within that Producing Party's ESI data set across all custodial and non-custodial sources at the family level using either MD5 hash values or SHA hash values or any other agreed-upon (and disclosed) industry-standard deduplication technology. The Parties shall reach agreement on such other deduplication technology and shall reach agreement on how their deduplication tools shall identify exact duplicates of documents in a manner that is consistent with the disclosed tools and technologies a Producing Party is using. The Parties shall reach agreement on how to identify exact duplicates of emails using industry-standard commercially available software tools or services, which may for example calculate hash values of emails based on concatenated values of agreed-upon email fields and/or hash values of attachments, or which may use any other method the Parties agree upon. Having further met and conferred in keeping with the previous sentence, the Parties shall calculate deduplication hash values for emails on the concatenated values set forth in and in accordance with the documentation specifications of the disclosed deduplication tools to be used in this Litigation (i.e., RelativityOne, Relativity Server,

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and Nuix); however, if Nuix is used, the Producing Party shall select the optional field "Include Bcc" as an additional field to add to the default ones.

The Parties shall not withhold from production near-duplicates without meeting and conferring on this issue.

The names of all custodians who were either identified as custodians for purposes of collection for this matter (or otherwise known by the Producing Party to have been in possession or custody of a document prior to deduplication) will be populated in the ALL CUSTODIANS metadata field for the produced version of a document that has duplicates removed from production. The original file paths (if any exist) of a document prior to deduplication will be populated in the ALL FILE PATHS metadata field of the produced document.

15. **EMAIL THREADING**

The Parties may use analytics technology to identify email threads and shall produce the unique most inclusive copy and related family members. Where multiple email messages are part of a single chain or "thread," a Party is only required to produce the most inclusive copy of an email message(s) ("Last In Time Email(s)") and need not produce earlier, lesser inclusive email messages or "thread members," provided that the tool or software service being used to perform threading is disclosed. A Producing Party may exclude from production lesser inclusive copies of the most inclusive email message in the thread, where the entire body of each of those lesser inclusive copies is included within the Last in Time Email. The Producing Party will honor reasonable requests to produce lesser inclusive copies of a Last In Time Email or other earlier chains of emails otherwise excluded by email thread suppression.

The Parties shall treat new or different email chains or threads pursuant to further agreement on safeguards or guidelines for defining emails threads which reasonably take into account the capabilities of the email threading/dethreading/hyperthreading tools used by each Defendant (which shall be disclosed to Plaintiffs).

SOURCE CODE 16.

The Parties will meet and confer to address the production and/or inspection of source code and entering into a separate order governing the same if needed.

17. PRODUCTION FORMATS

2.1

The Parties agree to produce documents and data in the formats described in **Appendix 1** to this ESI Order. If particular documents or categories of documents identified in response to document requests warrant a different format, the Parties will cooperate to arrange for the mutually acceptable production of such documents. The Parties further agree not to degrade the searchability of documents as part of the document production process.

In addition, the Parties agree that the production and production format of social media and/or user account information is not covered by this agreement and to meet and confer on the production and production format, including metadata, for social media and/or user account information.

18. PHASING

Once the Parties begin propounding discovery requests pursuant to Fed. R. Civ. P. 34, the Parties agree to meet and confer regarding appropriate phasing for the production of ESI.

19. MISCELLANEOUS PROVISIONS

- a) Production of Plaintiffs ESI and Case-Specific Materials. Subject to any further agreement among the Parties or Order of the Court, the Parties shall produce case-specific documents (i.e., documents specific to the claim of a given Plaintiff, produced by Plaintiffs or Defendants) for any Plaintiff in discovery pools or other selections designed to inform bellwether selection, including those selected for a bellwether trial, in accordance with the production format specified herein, provided, however, that the Producing Party may elect to produce such materials in their native format. To the extent production of case-specific documents for any Plaintiff selected for a bellwether trial presents an issue for any Party, the Parties shall reasonably confer, and may present any disputes to the Court or its designee. The Parties shall further agree to confer concerning the production format and associated matters (e.g., hosting platform) for case-specific documents produced in the cases of other Plaintiffs.

 Nothing herein shall limit Defendant's right to seek discovery from any Plaintiff.
- b) Translations Of Produced Materials. The Producing Party has no obligation to

create a translation of the Documents or any portion thereof. For any foreign-language documents responsive to document requests that a Party reasonably knows as the result of a reasonable investigation have been translated into the English language using human translators or through machine translation for its own purposes, except to the extent such translation is protected by attorney-client or work-product privileges, the Producing Party shall produce the translation of the original document with the original. The parties will meet and confer as necessary concerning procedures for using translations at depositions and at trial. In the event the Parties cannot reach agreement, the matter may be submitted to the Court for determination.

- c) Third-Party Documents. A Party that issues a Non-Party subpoena ("Issuing Party") shall include a copy of this Order with the subpoena and state that (1) the subpoenaed Non-Party should produce Documents in response to the subpoena to all Parties; and (2) the Parties to this Litigation have requested that Third Parties produce Documents in accordance with the specifications set forth herein. If the subpoenaed Non-Party produces Documents to the Issuing Party but does not produce those Documents to other Parties, the Issuing Party shall produce such Documents to those other Parties within 14 days of receiving the Documents, except where the Documents are to be used in a deposition, in which case the Issuing Party shall produce such Documents to all other Parties no later than three (3) days prior to the deposition, or as soon as reasonably practicable if such production occurs thereafter. Nothing in this Order is intended or may be interpreted to narrow, expand, or otherwise affect the rights of the Parties or Third Parties to object to a subpoena. If the Non-Party production is not Bates-stamped, the Parties will meet and confer to agree upon a format for designating the documents with a unique Bates Number prefix.
- d) <u>Documents Produced by Parties Presumption of Authenticity</u>. In order to reduce the number of requests for admission, this Order establishes a rebuttable presumption that documents produced by the Parties are authentic, if said documents were either created or authored by the producing Party, or any of its employees, agents, or

contractors, so long as the employees', agents', or contractors' work was performed in connection with a project or assignment sponsored by the producing Party. No further evidence to establish authenticity need be provided. Nothing in this paragraph shall be deemed to waive any other evidentiary objection a party may have, including but not limited to hearsay, foundation/personal knowledge, or relevance.

- e) **Re-productions.** Notwithstanding any provisions to the contrary, re-production of discrete sets of documents from another litigation, arbitration, government inquiry, or other matter may be re-produced in the same manner and form as originally produced in the other matter, provided however that a party will re-produce documents in a different format for good cause shown. This provision does not waive the right of a party to object to any requests for reproduction of production files from another litigation, arbitration, government inquiry, or other matter.
- f) <u>Modification</u>. This ESI Order may be modified by a Stipulated Order of the Parties or by the Court for good cause shown.
- g) <u>Good Faith</u>. The Parties will act in good faith as required by law and use these procedures to identify and reduce the potential for disputes.
- h) <u>Continuing Obligations</u>. The Parties recognize that discovery shall be an iterative and cooperative process. The Parties will continue to meet and confer regarding any issues as reasonably necessary and appropriate. This Order does not address or resolve any objections to the Parties' respective discovery requests.
- i) <u>Reservation of Rights</u>. The Parties agree that any topic not addressed herein is neither a waiver nor acknowledgement of agreement by either Party.
- IT IS SO STIPULATED, through Counsel of Record.

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1	DATED: March 15, 2024	Respectfully submitted,
2		/s/ Lexi J. Hazam
3		LEXI J. HAZAM LIEFF CABRASER HEIMANN &
4		BERNSTEIN, LLP
		275 BATTERY STREET, 29 _{TH} FLOOR SAN FRANCISCO, CA 94111-3339
5		Telephone: 415-956-1000
6		lhazam@lchb.com
7		
8		PREVIN WARREN
0		MOTLEY RICE LLC 401 9th Street NW Suite 630
9		Washington DC 20004
10		T: 202-386-9610
		pwarren@motleyrice.com
11		Co-Lead Counsel
12		Co-Lead Counsel
13		CHRISTOPHER A. SEEGER
14		SEEGER WEISS, LLP 55 CHALLENGER ROAD, 6TH FLOOR
14		RIDGEFIELD PARK, NJ 07660
15		Telephone: 973-639-9100
16		Facsimile: 973-679-8656
		cseeger@seegerweiss.com
17		Counsel to Co-Lead Counsel
18		HENDING LEE ANDERGON
19		JENNIE LEE ANDERSON ANDRUS ANDERSON, LLP
20		155 MONTGOMERY STREET, SUITE 900
20		SAN FRANCISCO, CA 94104
21		Telephone: 415-986-1400 jennie@andrusanderson.com
22		jennie@andrusanderson.com
23		Liaison Counsel
24		MATTHEW BERGMAN
25		GLENN DRAPER SOCIAL MEDIA VICTIMS LAW CENTER
		821 SECOND AVENUE, SUITE 2100
26		SEATTLE, WA 98104 Telephone: 206-741-4862
27		matt@socialmediavictims.org
28		glenn@socialmediavictims.org

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1	JAMES J. BILSBORROW
2	WEITZ & LUXENBERG, PC 700 BROADWAY
2	NEW YORK, NY 10003
3	Telephone: 212-558-5500
4	Facsimile: 212-344-5461
5	jbilsborrow@weitzlux.com PAIGE BOLDT
,	WATTS GUERRA LLP
6	4 Dominion Drive, Bldg. 3, Suite 100
7	San Antonio, TX 78257
0	T: 210-448-0500
8	PBoldt@WattsGuerra.com
9	THOMAS P. CARTMELL
10	WAGSTAFF & CARTMELL LLP
	4740 Grand Avenue, Suite 300 Kansas City, MO 64112
11	T: 816-701 1100
12	tcartmell@wcllp.com
13	JAYNE CONROY
14	SIMMONS HANLY CONROY, LLC
14	112 MADISON AVE, 7TH FLOOR
15	NEW YORK, NY 10016 Telephone: 917-882-5522
16	jconroy@simmonsfirm.com
	CARRIE GOLDBERG
17	C.A. GOLDBERG, PLLC
18	16 Court St.
19	Brooklyn, NY 11241 T: (646) 666-8908
19	carrie@cagoldberglaw.com
20	
21	SIN-TING MARY LIU AYLSTOCK WITKIN KREIS &
	OVERHOLTZ, PLLC
22	17 EAST MAIN STREET, SUITE 200
23	PENSACOLA, FL 32502
24	Telephone: 510-698-9566 mliu@awkolaw.com
25	
	ANDRE MURA
26	GIBBS LAW GROUP, LLP 1111 BROADWAY, SUITE 2100
27	OAKLAND, CA 94607
20	Telephone: 510-350-9717
28	amm@classlawgroup.com

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1	
2	
3	EMMIE PAULOS
	LEVIN PAPANTONIO RAFFERTY 316 SOUTH BAYLEN STREET, SUITE 600
4	PENSACOLA, FL 32502
5	Telephone: 850-435-7107
6	epaulos@levinlaw.com
	ROLAND TELLIS
7	DAVID FERNANDES
8	BARON & BUDD, P.C.
9	15910 Ventura Boulevard, Suite 1600
,	Encino, CA 91436 Telephone: (818) 839-2333
10	Facsimile: (818) 986-9698
11	rtellis@baronbudd.com
	dfernandes@baronbudd.com
12	ALEXANDRA WALSH
13	WALSH LAW
14	1050 Connecticut Ave, NW, Suite 500
	Washington D.C. 20036
15	T: 202-780-3014 awalsh@alexwalshlaw.com
16	a waish waishia wieom
17	MICHAEL M. WEINKOWITZ
1 /	LEVIN SEDRAN & BERMAN, LLP
18	510 WALNUT STREET SUITE 500
19	PHILADELPHIA, PA 19106
	Telephone: 215-592-1500
20	mweinkowitz@lfsbalw.com
21	DIANDRA "FU" DEBROSSE ZIMMERMANN
22	DICELLO LEVITT
	505 20th St North
23	Suite 1500 Birmingham, Alabama 35203
24	Telephone: 205.855.5700
25	fu@dicellolevitt.com
26	
27	
28	

1	C. 625 ses. 4: 2:32-22 vn 0:15-0438-047 G. P.C. o Doorcus mile (b.1. 6-92) Hillereck 0073/2148/2244 Pragge 31841. off 3403: 9
1	HILLARY NAPPI HACH & ROSE LLP
2	112 Madison Avenue, 10th Floor
3	New York, New York 10016 Tel: 212.213.8311
4	hnappi@hrsclaw.com
5	JAMES MARSH
6	MARSH LAW FIRM PLLC 31 HUDSON YARDS, 11TH FLOOR
7	NEW YORK, NY 10001-2170
	Telephone: 212-372-3030
8	jamesmarsh@marshlaw.com
9	Attorneys for Individual Plaintiffs
10	ROB BONTA
11	Attorney General State of California
12	State of Camornia
13	<u>/s/ Megan O'Neill</u> Nick A. Akers (CA SBN 211222)
	Senior Assistant Attorney General
14	Bernard Eskandari (SBN 244395)
15	Supervising Deputy Attorney General Megan O'Neill (CA SBN 343535)
16	Joshua Olszewski-Jubelirer
17	(CA SBN 336428) Marissa Roy (CA SBN 318773)
18	Deputy Attorneys General
19	California Department of Justice Office of the Attorney General
	455 Golden Gate Ave., Suite 11000
20	San Francisco, CA 94102-7004 Phone: (415) 510-4400
21	Fax: (415) 703-5480
22	Bernard.Eskandari@doj.ca.gov
23	Attorneys for Plaintiff the People of the State of California
24	Сицопии
25	
26	
27	
28	

	C. 63555 4: 232 2 v r 605 438 47 G FG RD o Doortug mie 101. 6930 Hilleadd 0073 2248 12244 Pragge 31852 off 3438 9
1	RUSSELL COLEMAN
2	Attorney General
3	Commonwealth of Kentucky
4	/s/ J. Christian Lewis
	J. Christian Lewis (KY Bar No. 87109),
5	Pro hac vice
6	Philip Heleringer (KY Bar No. 96748), Pro hac vice
7	Zachary Richards (KY Bar No. 99209),
7	Pro hac vice app. forthcoming
8	Daniel I. Keiser (KY Bar No. 100264),
0	Pro hac vice
9	Matthew Cocanougher (KY Bar No. 94292),
10	Pro hac vice Assistant Attorneys General
1.1	1024 Capital Center Drive, Suite 200
11	Frankfort, KY 40601
12	CHRISTIAN.LEWIS@KY.GOV
12	PHILIP.HELERINGER@KY.GOV
13	ZACH.RICHARDS@KY.GOV
14	DANIEL.KEISER@KY.GOV MATTHEW.COCANOUGHER@KY.GOV
15	Phone: (502) 696-5300
13	Fax: (502) 564-2698
16	
17	Attorneys for Plaintiff the Commonwealth of
18	Kentucky
19	
20	
21	
22	
23	
24	
25	
26	
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28	

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1	COVINGTON & BURLING LLP
2	Dry /a/Aahlan M. Simongan
	By: /s/ Ashley M. Simonsen Ashley M. Simonsen, SBN 275203
3	COVINGTON & BURLING LLP
4	1999 Avenue of the Stars
5	Los Angeles, CA 90067 Telephone: (424) 332-4800
6	Facsimile: + 1 (424) 332-4749
	Email: asimonsen@cov.com
7	Phyllis A. Jones, pro hac vice
8	Paul W. Schmidt, pro hac vice
9	COVINGTON & BURLING LLP
9	One City Center 850 Tenth Street, NW
10	Washington, DC 20001-4956
11	Telephone: + 1 (202) 662-6000
11	Facsimile: + 1 (202) 662-6291
12	Email: pajones@cov.com
13	Attorney for Defendants Meta Platforms, Inc.
14	f/k/a Facebook, Inc.; Facebook Holdings,
1.7	LLC; Facebook Operations, LLC; Facebook Payments, Inc.; Facebook Technologies, LLC;
15	Instagram, LLC; Siculus, Inc.; and Mark Elliot
16	Zuckerberg
17	FAEGRE DRINKER LLP
18	<u>By: /s/ Andrea Roberts Pierson</u>
	Andrea Roberts Pierson, pro hac vice
19	FAEGRE DRINKER LLP 300 N. Meridian Street, Suite 2500
20	Indianapolis, IN 46204
2.1	Telephone: + 1 (317) 237-0300
21	Facsimile: + 1 (317) 237-1000
22	Email: andrea.pierson@faegredrinker.com
23	Amy R. Fiterman, pro hac vice
24	FAEGRE DRINKER LLP 2200 Wells Fargo Center
	90 South Seventh Street
25	Minneapolis MN 55402
26	Telephone: +1 (612) 766 7768 Facsimile: +1 (612) 766 1600
27	Email: amy.fiterman@faegredrinker.com
	, G G
28	Geoffrey M. Drake, pro hac vice

	C. 63385 4: 2.32 2 vn 00.5 03.80 47 G PG PD o Dourcuenne in 1.6-930 FFileet 10073 21/51/224 Pragge 31874 of 1343 9
1	KING & SPALDING LLP
	1180 Peachtree Street, NE, Suite 1600
2	Atlanta, GA 30309
3	Telephone: +1 (404) 572 4726 Email: gdrake@kslaw.com
4	
5	David P. Mattern, pro hac vice KING & SPALDING LLP
	1700 Pennsylvania Avenue, NW, Suite 900
6	Washington, D.C. 20006
7	Telephone: +1 (202) 626 2946 Email: dmattern@kslaw.com
8	Zinam amawam wana meem
9	Attorneys for Defendants TikTok Inc. and
	ByteDance Inc.
10	MUNGER, TOLLES & OLSEN LLP
11	By: /s/ Jonathan H. Blavin
12	Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP
12	560 Mission Street, 27th Floor
13	San Francisco, CA 94105-3089
14	Telephone: (415) 512-4000
17	Facsimile: (415) 512-4077
15	Email: jonathan.blavin@mto.com
16	Rose L. Ehler (SBN 29652)
17	Victoria A. Degtyareva (SBN 284199)
17	Laura M. Lopez, (SBN 313450)
18	Ariel T. Teshuva (SBN 324238) MUNGER, TOLLES & OLSON LLP
19	350 South Grand Avenue, 50th Floor
1)	Los Angeles, CA 90071-3426
20	Telephone: (213) 683-9100
21	Facsimile: (213) 687-3702
	Email: rose.ehler@mto.com Email: victoria.degtyareva@mto.com
22	Email: Ariel.Teshuva@mto.com
23	
24	Lauren A. Bell (<i>pro hac vice forthcoming</i>) MUNGER, TOLLES & OLSON LLP
	601 Massachusetts Ave., NW St.,
25	Suite 500 E
26	Washington, D.C. 20001-5369 Telephone: (202) 220-1100
27	Facsimile: (202) 220-1100
	Email: lauren.bell@mto.com
28	

	Casaes 4: 2:32 2 vn 0:15-0438-47 GPG PD o Doucremente 10:1 6-920 PHilleeth 0:073 21/18/224 Praggre 31835 of 13/13 9
1	
1	Attorneys for Defendant Snap Inc.
2	WILSON SONSINI GOODRICH & ROSATI
3	Professional Corporation
4	By: /s/ Brian M. Willen Brian M. Willen (pro hac vice)
4	WILSON SONSINI GOODRICH & ROSATI
5	1301 Avenue of the Americas, 40th Floor
6	New York, New York 10019
	Telephone: (212) 999-5800 Facsimile: (212) 999-5899
7	Email: bwillen@wsgr.com
8	
9	Lauren Gallo White Samantha A. Machock
	WILSON SONSINI GOODRICH & ROSATI
10	One Market Plaza, Spear Tower, Suite 3300
11	San Francisco, CA 94105
12	Telephone: (415) 947-2000 Facsimile: (415) 947-2099
12	Email: lwhite@wsgr.com
13	Email: smachock@wsgr.com
14	
1.5	Christopher Chiou WILSON SONSINI GOODRICH & ROSATI
15	953 East Third Street, Suite 100
16	Los Angeles, CA 90013
17	Telephone: (323) 210-2900
	Facsimile: (866) 974-7329 Email: cchiou@wsgr.com
18	\smile \circ
19	Attorneys for Defendants YouTube, LLC, Google
20	LLC, and Alphabet Inc.
	WILLIAMS & CONNOLLY LLP
21	By: <u>/s/ Joseph G. Petrosinelli</u>
22	Joseph G. Petrosinelli (<i>pro hac vice</i>) jpetrosinelli@wc.com
23	Ashley W. Hardin (<i>pro hac vice</i>)
	ahardin@wc.com
24	680 Maine Avenue, SW
25	Washington, DC 20024 Telephone.: 202-434-5000
26	Fax: 202-434-5029
27	Attorneys for Defendants YouTube, LLC, Google LLC, and Alphabet Inc.
28	DDC, and Inplaced Inc.

	Casse.43204103444041/5R5R5DDWcmilenross millions2145124 ragesbours659
1	MORGAN, LEWIS & BOCKIUS LLP
2	By: <u>/s/ Stephanie Schuster</u> Stephanie Schuster (<i>pro hac vice</i>)
3	stephanie.schuster@morganlewis.com
	1111 Pennsylvania Avenue NW
4	NW Washington, DC 20004-2541 Tel.: 202.373.6595
5	W 1 D 7 W (CD) (47111)
6	Yardena R. Zwang-Weissman (SBN 247111) yardena.zwang-weissman@morganlewis.com
7	300 South Grand Avenue, 22nd Floor
8	Los Angeles, CA 90071-3132 Tel.: 213.612.7238
9	Brian Ercole (pro hac vice) brian.ercole@morganlewis.com
	600 Brickell Avenue, Suite 1600 Miami, FL 33131-3075
11	Tel.: 305.415.3416
12 13	Attorneys for Defendants YouTube, LLC and
	Google LLC
14	IT IS ORDERED that the foregoing Agreement is approved.
15	$\Theta 0 1110$
16	Dated: March 18, 2024
17	MAGISTRATE JUDGE PETER H. KANG
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APPENDIX 1: PRODUCTION FORMAT

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- 1) **Production Components.** Except as otherwise provided below, ESI must be produced in accordance with the following specifications:
 - a) an ASCII delimited data file (.DAT) using standard delimiters;
 - b) an image load file (.OPT) that can be loaded into commercially acceptable production software (e.g. Concordance);
 - c) single page black-and-white TIFF images, or JPEG images when color is specified herein, or native files with single page placeholder TIFF images depending on the applicable production format for each type of file;
 - d) and document level .TXT files for all documents containing extracted full text or OCR text.
 - e) Family relationships between emails and their attachments, embedded files and their source document, and connected hardcopy documents will be maintained in production. Attachments should be consecutively produced with their parent.
 - f) If a particular document warrants a different production format, the Parties will cooperate in good faith to arrange for a mutually acceptable production format.
- 2) Production Media and Access Controls. Productions must be encrypted and produced through secure electronic means, such as secure file sharing methods (e.g. FTP), or on CD, DVD, flash drive or external hard drive ("Production Media"). Each piece of Production Media must identify a production number corresponding to the production volume (e.g. "VOL001"). Each piece of Production Media must also identify: (a) the case caption; (b) the following label: "This media contains material subject to Court Ordered security measures"; (c) the Producing Party's name; (d) the production date; (e) the Bates Number range of the materials contained on the Production Media.

Nothing in this ESI Order will preclude or impair any and all protections provided the Parties by any Protective Order(s) agreed and entered into by the Parties. Parties will use best efforts to avoid the unnecessary copying or transmittal of produced documents. If questions arise, the Parties will meet and confer to ensure security concerns are addressed prior to the exchange of

any documents.

- aproduction's data load file should match the total number of designated document breaks in the image load file should match the total number of pages referenced in a production's image load file should match the total number of pages referenced in a production's image load file should match the total number of TIFF files in the production. All images must be assigned a unique Bates number that is sequential within a given document and across the production sets. The Bates Numbers in the image load file must match the corresponding documents' beginning Bates numbers in the data load file. The total number of documents in a production should match the total number of records in the data load file. Load files must not vary in format or structure within a production, or from one production to another except by agreement of the Parties.
- 4) Metadata Fields. Each of the metadata and coding fields set forth below that can be extracted should be produced for each document, except that if the field contains privileged information, that privileged information may be redacted. However, to the extent that metadata does not exist, is not available for any documents produced, this provision shall not be read to require any Party to extract, capture, collect, manually populate, or produce such metadata, with the exception of the following: (a) BEGBATES, (b) ENDBATES, (c) BEGATTACH, (d) ENDATTACH, (e) PRODVOL, (f) ALL CUSTODIANS, (g) CONFIDENTIALITY, (h) REDACTIONS, (i) REDACTION TYPE, (j) HASHVALUE, (k) NATIVEFILEPATH, and (l) TEXTFILEPATH, which should be populated by the Party or the Party's vendor. The Parties will make reasonable efforts to ensure that metadata fields automatically extracted from the documents correspond directly to the information that exists in the original documents.

Field Name	Field Description
BEGBATES	Beginning Bates number for a particular document as stamped on the first production image for that document
ENDBATES	Ending Bates number as stamped on the last

Field Name	Field Description
	production image for a particular document
BEGATTACH	First production Bates number of the first document in a family
ENDATTACH	Last production Bates number of the last document in a family
ATTACHCOUNT	Number of attachments to an e-mail or embedded parent, as generated by commercially available discovery processing tools.
ATTACHNAMES	Names of each individual Attachment, separated by semicolons.
PRODVOL	Production volume
ALLCUSTODIANS	List of all custodians associated with Document, i.e. "Custodian" + "Other Custodian" values delimited by semicolon.
ALLFILEPATHS	All original path(s) to the individual source file(s) when available in the ordinary course of business to and processable by the parties and their ESI vendors of choice. Includes pa up to and including internal path of containers.
CONFIDENTIALITY	Confidentiality designation assigned to the document consistent with the Stipulated Protective Order governing this Litigation
NATIVEFILEPATH	Native File Link (Native Files only)
TEXTFILEPATH	Path to extracted text/OCR file for the document
HASHVALUE	MD5 hash value of the document
DOCUMENT TYPE	Descriptor for the type of document: "Edocument" for electronic documents not attached to e-mails; "E-mail" for all e-mails; "E-attachment" for files that were attachment to e-mails; and "Physical" for hard copy physical documents that have been scanned and converted to an electronic image.
AUTHOR	Any value populated in the Author field of t

Field Name	Field Description
	document properties
DOCDATE	Date the document was created according t filesystem information (format: MM/DD/YYYY)
DATELASTMODIFIED	Date when document was last modified according to filesystem information (forma MM/DD/YYYY)
LAST MODIFIED BY	Last person who modified (saved) a document, as generated by commercially available discovery processing tools.
TRACK CHANGES	Y if a document with track changes value, otherwise N or empty, if available separate from the HASHIDDENDATA flag
COMMENTS	Y if a document with comments, otherwise or empty, if available separately from the HASHIDDENDATA flag
HASHIDDENDATA	Y if a document with hidden content value otherwise N or empty
FILENAME	Filename of an electronic document
TITLE	Any value populated in the Title field of th document properties
DOCEXT	File extension of document pulled from the document properties
FROM	The sender of the email
ТО	All recipients that were included on the "To line of the email
CC	All recipients that were included on the "C line of the email
BCC	All recipients that were included on the "BCC" line of the email
DATETIMERECEIVED	Date and time email was received (format: MM/DD/YYYY HH:MM)
DATETIMESENT	Date and time email was sent (format: MM/DD/YYYY HH:MM)

Field Name	Field Description
TIMEZONE	The timezone used to process the document
EMAILSUBJECT	Subject line of email pulled from the document properties
THREADID	If a threading tool is used for emails, the thread id generated by the threading tool.
REDACTION TYPE ¹	General category of redaction reason as agreed to by the parties. For example, PII, SCA, CODE, and/or PRIV. If more than one, separate reasons by semicolons.
REDACTIONS	Y if a document is redacted, otherwise N or empty

- 5) TIFFs. Unless excepted below, single page, black and white, Group IV TIFFs should be provided, at least 300 dots per inch (dpi) for all documents. Each TIFF image must be named according to a unique corresponding Bates number associated with the document. Each image must be branded according to the Bates number and the agreed upon confidentiality designation. Original document orientation should be maintained (i.e., portrait to portrait and landscape to landscape). Where the TIFF image is unreadable or has materially degraded the quality of the original, the Producing Party shall provide a higher quality TIFF image or the native or original file. In addition, the Parties shall take reasonable efforts to process word processing documents (e.g., MS Word) with track changes and/or comments unhidden on the TIFF image.
- 6) Color. Word processing documents containing tracked changes shall be produced in color, as single-page, 300 dpi JPG images with JPG compression and a high quality setting as to not degrade the original image. The Producing Party shall comply with good faith by the Requesting Party to provide replacement color images for documents originally produced in black and white. A Party making such a request shall make the request by individual Bates

¹ The Parties will provide specific information on any privilege(s) asserted in their privilege logs, in an overlay, or the redaction boxes. The "Redaction Reason" field is informational only for redaction type and shall not in any way limit a party's right to assert attorney-client privilege, attorney-work product privilege, and/or any other applicable privilege or protection.

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number(s) and shall limit requests made pursuant to this paragraph to a reasonable number of documents.

- **7**) **Text Files.** A single multi-page text file must be provided for each document, and the filename should match its respective TIFF filename for the first page of that document. Extracted text shall be generated with commercially acceptable technology set to include all comments, revisions, tracked changes, speaker's notes and text from documents with comments or tracked changes, and hidden and very hidden worksheets, slides, columns and rows. When possible, the text of native files should be extracted directly from the native file. Parties will perform optical character recognition ("OCR") on foreign language documents using the appropriate settings for languages reasonably anticipated to be in the production following a meet and confer with the Requesting Party to identify those languages. Text files will not contain the redacted portions of the documents. A commercially acceptable technology for OCR should be used for all scanned, hard copy documents and for documents with redactions other than Excel files and other spreadsheets which shall be redacted in native format. Text extracted from emails should include the following header information where available: (1) the individuals to whom the communication was directed ("To"), (2) the author of the email communication ("From"), (3) who was copied and blind copied on such email ("CC" and "BCC"), (4) the subject line of the email ("RE" or "Subject"), and (5) the date and time of the email. To the extent the text extraction technology the Parties are using can be configured to include the text of any URLs or links, the Parties shall utilize that setting.
- Native files. Spreadsheets (*e.g.* MS Excel), and un-redacted presentations (e.g. Microsoft PowerPoint,) will be produced in native format to the extent that they are produced in this Litigation, audio, video, and multi-media files will be produced in native format. The Parties will meet and confer on the production of other file types, such as proprietary files, etc. Native files will be produced with a link in the NATIVEFILEPATH field, along with extracted text (where extracted text is available) and applicable metadata fields set forth in paragraph 4 above. A Bates numbered TIFF placeholder indicating that the document was provided in native format must accompany every native file. Where redaction makes production of native-format

files other than spreadsheets or presentations infeasible, the Parties will confer to determine a reasonably usable form for the production, but spreadsheets shall presumptively be redacted in native, and presentations presumptively redacted in image form, in these cases without the need for further conferring.

- hardcopy will be scanned to *.tiff image format and produced in accordance with the specifications set forth herein. Hard copy documents that are not text-searchable shall be made searchable by OCR prior to production. In scanning paper documents, distinct documents should not be merged into a single record, and single documents should not be split into multiple records (i.e., paper documents should be logically unitized). In the case of an organized compilation of separate documents (for example, a binder containing several separate documents behind numbered tabs), the document behind each tab should be scanned separately, but the relationship among the documents in the compilation should be reflected in the proper coding of the beginning and ending document and attachment fields. The Parties will make their best efforts to unitize the documents correctly. If relevant documents are maintained in a file, folder, envelope, binder, notebook or similar container used to store documents, all contents therein shall be reviewed for production and privilege. Document pages which have affixed notes, such as Post-it notes, should be imaged with and without the note attached.
- 10) Confidentiality Designation. All images will be stamped with the appropriate confidentiality designations in accordance with the Stipulated Protective Order entered in this Litigation. Each document produced in native format will have its confidentiality designation identified in the filename of the native file and indicated on its corresponding TIFF placeholder.
- 11) Bates Numbering. Bates numbering should be a consistent length across the production, contain no special characters, and be numerically sequential within a given document. If a Bates number or set of Bates numbers is skipped, the skipped number or set of numbers should be noted with a placeholder. Attachments to documents will be assigned Bates numbers that directly follow the Bates numbers on the documents to which they were attached.

In addition, wherever possible, each image will have its assigned Bates number electronically "burned" onto the image.

- information is stored in a database, or database management system, or proprietary system or application which has is directed to data storage as one of its primary functions, the Producing Party will identify the database and platform to the Requesting Party. The Producing Party shall produce exports and reports about such responsive information stored in such database, where such exports and reports shall be in a reasonably usable form, and information may be produced in CSV format, tab-delimited text format, Microsoft Excel format, or Microsoft Access format. If there are future disputes over the production of information from a database, the Parties shall meet and confer in good faith in an attempt to reach any further agreements (if needed) on the data to be produced and the format and scope of the production. The Producing Party will provide reasonable amounts of information about the databases to facilitate that discussion.
- inside a responsive document (including hyperlinked inside emails) within a Producing Party's custody, possession, or control, do not need to be produced in the first instance as part of the same family group as the Document residing at the location to which that hyperlink points. If there are particular hyperlinks identified by the Requesting Party in produced documents, the Requesting Party may submit a list of hyperlinks to a particular Producing Party for potentially relevant documents by identifying the Bates number and URL or link text for each requested link to the Producing Party, and the Producing Party will engage in reasonable efforts to locate the hyperlinked document at that location and either identify it by Bates number or provide any responsive, non-produced, and non-privileged documents. The number of hyperlinks a Requesting Party may identify to a Producing Party shall not be excessive and shall be reasonable, proportional to the needs of the case, and not unduly burdensome.
- **14) Embedded Objects.** The Parties agree non-substantive embedded objects, including, but not limited to, logos, icons, emoticons, and footers, may be culled from a document set (but not a document) and need not be produced as separate documents by a

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Producing Party (i.e., such embedded objects will be produced within the document itself, rather than as separate documents). Embedded files, except for images (including but not limited to, logos, icons, emoticons), are to be produced as family groups. Embedded files should be assigned Bates numbers that directly follow the Bates numbers on the documents within which they are embedded.

- **15**) **Production of Family Groups and Relationships**. If any member of a family group is produced, all members of that group must also be produced or else logged as privileged, and no such member shall be withheld from production as a duplicate.
- Dynamic Fields. Documents with dynamic fields for file names, dates, and **16**) times will be imaged to show the field code (e.g., "[FILENAME]") where possible, rather than the values for such fields existing at the time the file is processed.
- **17**) **Time Zone**. The time zone used to process a document, including its metadata, shall be disclosed in the TIMEZONE metadata field consistent with Appendix 1, and shall be standardized for each Defendant across productions.

18) Redactions.

- A Producing Party may redact (i) information subject to the attorney client a) privilege or the work product protection (PRIV); (ii) information that cannot be disclosed pursuant to the Stored Communications Act (SCA); (iii) source code subject to separate agreement applicable to production of source code (CODE); (iv) personal identifying information (PII) including phone numbers, personal addresses, personal email addresses, the month and day of birth, driver's license numbers, and other PII agreed to by the Parties (for example, the Parties shall complete their meet and confer on whether or not to redact users' ages and years of birth). In any event, there shall be no redaction of illnesses, injuries, and medical diagnoses. To the extent a document or pleading contains PII, the Parties shall designate such documents at the appropriate Confidentiality level under the Protective Order and shall comply with Fed. R. Civ. P. 5.2 with regard to filings with the Court.
- No redactions for relevance may be made within a produced document or ESI b) item. If, during the course of discovery, the Parties identify other kinds of information that any STIP. & [Proposed] Order Governing the

Party has a reasonable basis for redacting, the Parties will meet and confer on a case-by-case basis regarding that information before such redactions are made. If the Parties cannot agree, they may seek resolution from the Court.

- c) The Producing Party will indicate, on the face of the redaction, the asserted reason(s) for the redaction (PII, SCA, CODE, and/or PRIV) and the REDACTION TYPE metadata field shall indicate that the document contains redactions and the reason(s) for the redaction.
- d) Notwithstanding the foregoing, this provision shall not be read to prohibit redactions permitted under any applicable U.S. law or Protective Order.
- e) Where a responsive document contains both redacted and non-redacted content, the Parties shall produce the non-redacted portions of the document and the OCR text corresponding to the non-redacted portions.
- f) Native Redactions. Spreadsheet files requiring redaction, including without limitation Microsoft Excel files, shall be redacted and produced natively (unless the Parties agree to production in some other format). In addition, a Producing Party may natively redact other files that cannot be properly imaged for redaction.
- g) All images of redacted files shall be processed to show all comments, revision marks, speaker notes, marks made in track changes, or other user-entered data which are visible in a normal view of the document in its native application, unless such material is redacted and marked as redacted in accordance with this section. Where possible, any occurrences of date/time auto-field items, including in headers and footers, will be removed and replaced with the term AUTODATE to prevent the current date from being printed. Email header information (e.g., date and/or subject line) shall not be redacted unless it is independently privileged. The Parties shall honor reasonable requests for the production of particular redacted documents in other formats where the image is not reasonably usable.
- h) Color. Redacted versions of documents that would have been produced in color in their un-redacted form shall be produced in color as detailed herein.

-) **Exception Files**. The Parties will use reasonable efforts to address processing exceptions.
- data that can reasonably be extracted and produced in the formats described herein is identified on a mobile or handheld device, that data shall be produced in accordance with the generic provisions of this protocol. To the extent that responsive data identified on a mobile or handheld device is not susceptible to normal production protocols, the Parties will meet and confer to address the identification, production, and production format of any responsive documents and data contained on any mobile or handheld device.

COVINGTON

BEIJING BOSTON BRUSSELS DUBAI FRANKFURT

JOHANNESBURG LONDON LOS ANGELES NEW YORK

PALO ALTO SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP One CityCenter 850 Tenth Street, NW Washington, DC 20001-4956 T +1 202 662 6000

DELIVERED VIA PROCESS SERVER

July 17, 2024

New Jersey Governor's Council on Mental Health Stigma 222 S. Warren Street Trenton, New Jersey 08608

Re: People of the State of California v. Meta Platforms, Inc., 4:23-cv-05448

Dear Sir/Madam

Enclosed please find a subpoena being served upon you in connection with the above-captioned litigation currently pending in the U.S. District Court for the Northern District of California. I represent Defendants Meta Platforms, Inc.; Instagram, LLC, Meta Payments, Inc., Meta Platforms Technologies, LC and Mark Zuckerberg (collectively, the "Meta Defendants") in this matter.

The document subpoena requests the production of specific documents identified in the attached subpoena (see Attachment A to the subpoena), which are requested to be produced by 10 am on August 19, 2024. We are willing to work with you on the time, date, location, method and manner of document production, as well as answer any questions or concerns you may have regarding subpoena compliance. It is sufficient compliance with this subpoena if you electronically transmit a copy of the requested documents to the undersigned. As such, please contact me at (202) 662-5801 or spetkis@cov.com, to discuss document production and subpoena compliance, unless you are already represented by counsel in connection with this matter.

The Court is currently considering whether the New Jersey Attorney General's Office has control over New Jersey Governor's Council on Mental Health Stigma's information for the purposes of discovery in this action. If the Court rules that the New Jersey Attorney General's Office has control over the New Jersey Governor's Council on Mental Health Stigma's information, the New Jersey Attorney General has pending discovery requests that seek this agency's documents. By serving this subpoena, Meta does not waive its position in the state agency dispute, nor does Meta in any way waive rights to compel the New Jersey Attorney General to produce New Jersey Governor's Council on Mental Health Stigma information as part of discovery in this action. However, to avoid further delay in the production of information from the New Jersey Governor's Council on Mental Health Stigma, Meta is serving the attached subpoena to request the timely production of this information.

Your anticipated time and assistance with this matter is greatly appreciated.

COVINGTON

New Jersey Governor's Council on Mental Health Stigma July 17, 2024 Page 2

Best regards,

/s/ Stephen Petkis

Stephen Petkis

Enclosed: Subpoena, Attachment A, and Attachment B

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

United States District Court

for the

	Northern Dis	strict of California	
People of the S	State of California, et al.	`	
Meta Platfor	v. ms, Inc., et al.)) Civil Action N)	No. 4:23-cv-05448
	endant)	
	DENA TO PRODUCE DOCUE TO PERMIT INSPECTION	,	· ·
. 0.	or's Council on Mental Health S et, Trenton, NJ 08608	Stigma	
	(Name of person to	o whom this subpoena is dire	cted)
Production: YOU ocuments, electronically naterial: See Attachment	stored information, or objects,	duce at the time, date, a and to permit inspection	nd place set forth below the following n, copying, testing, or sampling of the
	Bacon, Attn: Jennifer Blues Ken Square, 2001 Market Street, Su 19103-7004	ite 3000	ne: a.m. on August 19, 2024
Two Commerce S Philadelphia, PA Inspection of Pren ther property possessed of	Square, 2001 Market Street, Su 19103-7004 nises: YOU ARE COMMANI or controlled by you at the time,	DED to permit entry on date, and location set f	
Two Commerce S Philadelphia, PA Inspection of Prenther property possessed of	Square, 2001 Market Street, Su 19103-7004 nises: YOU ARE COMMANI or controlled by you at the time,	DED to permit entry on date, and location set f	to the designated premises, land, or forth below, so that the requesting party signated object or operation on it.
Two Commerce S Philadelphia, PA Inspection of Prenther property possessed of any inspect, measure, sure Place: The following product 45(d), relating to you espond to this subpoena a	Square, 2001 Market Street, Su 19103-7004 mises: YOU ARE COMMANI or controlled by you at the time, evey, photograph, test, or sample	DED to permit entry on date, and location set for the property or any de Date and Time attached – Rule 45(c) to a subpoena; and Ru	to the designated premises, land, or forth below, so that the requesting party signated object or operation on it.
Two Commerce S Philadelphia, PA Inspection of Prenther property possessed of the property posse	Square, 2001 Market Street, Su 19103-7004 mises: YOU ARE COMMANI or controlled by you at the time, wey, photograph, test, or sample visions of Fed. R. Civ. P. 45 ar	DED to permit entry on date, and location set for the property or any de Date and Time attached – Rule 45(c) to a subpoena; and Ru	a.m. on August 19, 2024 to the designated premises, land, or forth below, so that the requesting party signated object or operation on it. e: , relating to the place of compliance;

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 4:23-cv-01615

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

date)	abpoena for (name of individual and title, if an		
☐ I served the s	ubpoena by delivering a copy to the nar	med person as follows:	
		on (date) ;	or
☐ I returned the	subpoena unexecuted because:		
tendered to the w		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	penalty of perjury that this information i	s true.	
»: ,		Server's signature	
		Printed name and title	
		1 timea name ana time	

Additional information regarding attempted service, etc.:

Print Save As... Add Attachment Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

DEFINITIONS AND INSTRUCTIONS TO ATTACHMENT A

DEFINITIONS

- 1. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- 2. "Document" or "documents" shall have the broadest meaning ascribed to it by the Federal Rules of Civil Procedure, and includes, without limitation electronically stored information ("ESI") (including, without limitation, electronic databases and the data therein, all electronic messages or communications, electronic word processing documents, electronically stored voicemail, webpages, and social media posts) in accordance with any order in this case governing ESI at the time of production. Different versions of the same documents, including, but not limited to, drafts or documents with handwritten notations or marks not found in the original or on other copies are different documents.
- 3. "You", "you", "Your" and "your" means the New Jersey Governor's Council on Mental Health Stigma.
- 4. "Relating" or "related to" means and includes referring to, concerning, referencing, mentioning, associated with, constituting, discussing, containing, embodying, recording, reflecting, identifying, summarizing, incorporating, and/or dealing with or pertaining to in any way.
 - 5. "And" includes "or", and vice versa.
 - 6. The singular form of a word or term includes the plural, and vice versa.
 - 7. The present tense of a verb includes the past tense, and vice versa.
- 8. The use of the article "the" shall not be construed as limiting the scope of any request.

- 9. "Including" means "including without limitation."
- 10. "Any" includes "all", and vice versa.
- 11. The capitalized version of a word or term includes the lower case version of a word or term, and vice versa.
- 12. "Social Media Platforms" or "Platforms" means a digital service that facilitates interactions between two or more distinct but interdependent sets of users, including but not limited to Facebook, Instagram, Snapchat, TikTok, YouTube, Twitter (or "X"), Pinterest, LinkedIn, BeReal, Lapse, Reddit, Threads, VSCO, Goodreads, Quora, Discord, Twitch, and Tumblr.
- 13. "Young Users" means users of Social Platforms who are under 18 years of age when using the Platform(s).

All words, terms, and phrases not specifically defined herein are to be given their normal and customary meaning in the context in which they are used in these Requests.

INSTRUCTIONS

- 1. These Requests are intended to cover any and all documents in your possession, custody, or control, to the extent not privileged. Documents held by any office, department, board, commission, or instrumentality of the New Jersey Governor's Council on Mental Health Stigma are within your possession, custody, or control.
- 2. In accordance with ESI Protocol attached hereto as Attachment B, if you object to furnishing any of the documents or information requested by these Requests on the grounds of attorney-client privilege, work product, other privilege, or otherwise then, with respect to each such document:
 - a. state the nature of the privilege claimed;
 - b. state the date of each communication supporting the privilege claim;

- c. identify all participants in the supporting communication;
- d. state the specific grounds on which the objection is based; and
- e. identify the specific request calling for such information;
- 2. If you object to any Request on the grounds that it is vague or ambiguous, state: (i) the portions or terms of such Request that you claim to be vague or ambiguous; and (ii) the interpretation of the Request pursuant to which you provide a response.
- 3. Each request shall be deemed continuing, so as to require supplemental or mandatory responses should you obtain additional responsive information subsequent to your initial responses.
- 4. If you cannot fully respond to a particular Request after exercising due diligence to make inquiry and to secure the necessary information, provide a response to the extent possible, specifying your inability to respond to the remainder and providing whatever information or knowledge you have concerning the portion not responded to.
- 5. Each page of a produced document shall have a legible, unique page identifier ("Bates Number") and confidentiality legend (where applicable) on the face of the image at a location that does not obliterate, conceal, or interfere with any information from the source document. Redactions should be clearly marked or stamped on the page in such a way that it is clear from review that a portion of the image has been redacted.
- 6. All responsive and non-privileged electronic documents shall be produced in the format ordered by the Court in its ESI order.
- 7. All responsive electronic documents shall be produced in a format agreed upon by the parties, to include at least native versions of Excel spreadsheets and presentation files, with a Bates-stamped placeholder image.
- 8. Unless otherwise specified, the time period for these Requests is January 1, 2012 to the date of production of the Documents.

ATTACHMENT A

- 1. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of persons ages 13 to 18.
- 2. Research, investigations, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms, including the importance of Social Media Platforms and the use of Social Media Platforms by Young Users and the potential benefits and harms created by the use of Social Media Platforms.
- 3. Research, investigations, studies, surveys, reports, evaluations, or analyses concerning the mental, social, emotional, or behavioral health of Young Users, including those related to the effects of:
 - a. Social Media Platforms usage;
 - b. Video games usage;
 - c. Cell phone usage;
 - d. Messaging usage;
 - e. Usage of other electronics apart from usage of Social Media Platforms;
 - f. COVID-19 and/or remote learning;
 - g. Use of drugs or alcohol;
 - h. The opioid and fentanyl epidemic;
 - i. Poverty, homelessness, lack of health insurance, and/or food insecurity;
 - j. Physical health including nutrition, exercise, weight management, sleeping habits, and sexual activity;
 - k. Family trauma or deaths;
 - 1. Academic pressure;
 - m. Violence, including school violence, domestic violence, gun violence, gun control and/or mass shootings;
 - n. Bullying or verbal abuse apart from usage of Social Media Platforms;
 - o. Political polarization;
 - p. Natural disasters;
 - q. Climate change;
 - r. Discrimination and inequity;
 - s. Global warfare and conflict; and
 - t. Any other potential causes of harms to the mental, social, emotional, or behavioral health of Young Users.
- 4. Youth Risk Behavior Surveys conducted by the New Jersey Governor's Council on Mental Health Stigma or on its behalf.
- 5. Research, investigations, studies, surveys, reports, evaluations, or analyses related to:
 - a. Features of Social Media Platforms that are psychologically or physically harmful to Young Users;
 - b. Features of Social Media Platforms that promote compulsive, prolonged, or unhealthy use by Young Users;
 - c. The impact of features of Social Media Platforms, including:

- (1) Algorithmic recommendation and sequencing;
- (2) Image filters;
- (3) Use of multiple user accounts;
- (4) Infinite scroll;
- (5) Ephemeral content features;
- (6) Autoplay;
- (7) Quantification and display of likes; or
- (8) Audiovisual and haptic alerts.
- 6. Programs, initiatives, efforts, or actions proposed or taken by the New Jersey Governor's Council on Mental Health Stigma to address Young Users' use of Social Media Platforms, including any program, initiative, effort, or action to prevent, limit, encourage, or promote the use of Social Media Platforms by Young Users.
- 7. Policies proposed, recommended, or enacted by the New Jersey Governor's Council on Mental Health Stigma regarding screen time and acceptable use of cell phones, computers, tablets, or other electronic devices by Young Users.
- 8. Complaints to the New Jersey Governor's Council on Mental Health Stigma by teachers or school districts regarding social media or cell phone use by Young Users and/or the need for acceptable use or other policies to address Young Users' use of social media or cell phones.
- 9. Complaints to the New Jersey Governor's Council on Mental Health Stigma by teachers or school districts regarding budget crises from inflation, underfunding, unfunded mandates, and other causes.
- 10. Documents related to state assessment in New Jersey, including reports and analyses regarding the history of K-12 state assessment or standardized testing scores, performance by schools and/or school districts, and any other measures of school performance.
- 11. Legislation or policies proposed by, proposed on behalf of, or testified on by the New Jersey Governor's Council on Mental Health Stigma, regardless of whether such legislation or policies were enacted, regarding Young Users' use of Social Media Platforms.
- 12. Mental, social, emotional, or behavioral health services provided by the New Jersey Governor's Council on Mental Health Stigma to Young Users during the Relevant Period, including:
 - a. Counseling or therapy;
 - b. Psychiatric services;
 - c. Crisis intervention;
 - d. Inpatient short-term and long-term programs;
 - e. Resource centers; and
 - f. Services for Young Users dealing with substance abuse or addiction issues.

- 13. Any and all New Jersey Governor's Council on Mental Health Stigma grants to address Young Users' mental health, including information about when, where, why, and how any disbursements were paid, any schedules or plans for future disbursements, policies governing evaluation or approval of such disbursements, records of how the disbursements were used, and all agendas, minutes, notes, or recordings from meetings related to such grant.
- 14. Public or non-public meetings held by the New Jersey Governor's Council on Mental Health Stigma related to Social Media Platforms and use of Social Media Platforms by Young Users, including but not limited to, notices, meeting notes, PowerPoint presentations, internal memoranda, summaries, personal notes, or attendee lists.
- 15. Policies, procedures, and practices related to the New Jersey Governor's Council on Mental Health Stigma use of Social Media Platforms, including communication of information or promotion of New Jersey Governor's Council on Mental Health Stigma programs, initiatives, efforts, or actions on Social Media Platforms.
- 16. New Jersey Governor's Council on Mental Health Stigma's communications and/or collaboration with any Social Media Platform on any program, initiative or other action related to, or directed at, Young Users.
- 17. New Jersey Governor's Council on Mental Health Stigma's communications with any third party related to Young Users and/or Social Media Platforms.
- 18. Budgeted and actual expenditures by the New Jersey Governor's Council on Mental Health Stigma during the Relevant Period related to Young Users' use of Social Media Platforms.
- 19. Budgeted and actual expenditures by the New Jersey Governor's Council on Mental Health Stigma during the Relevant Period related to treatment of teen mental, social, emotional, or behavioral health issues.
- 20. Policies, procedures, and practices applicable to the New Jersey Governor's Council on Mental Health Stigma and New Jersey Governor's Council on Mental Health Stigma employees regarding the use of Social Media Platforms, including any changes to these policies during the Relevant Period.
- 21. Studies, programs, initiatives, efforts, or actions proposed or taken by the New Jersey Governor's Council on Mental Health Stigma that sought to provide or promote internet access or phones, computers, tablets, or other electronic devices to Young Users.
- 22. New Jersey Governor's Council on Mental Health Stigma budget and actual expenditures during the Relevant Period, including expenditures on:
 - a. Digital advertisements by the New Jersey Governor's Council on Mental Health Stigma on Social Media Platforms;
 - b. Digital advertisements by the New Jersey Governor's Council on Mental Health Stigma purchased through Social Media Platforms.

ATTACHMENT B

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6	IN THE UNITED STATE	CS DISTRICT COURT
7	FOR THE NORTHERN DIS	TRICT OF CALIFORNIA
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9	IN RE: Social Media Adolescent Addiction/Personal Injury Products Liability	MDL No. 3047 Case No. 4:22-md-03047-YGR
10	Litigation	
11	This document relates to:	Honorable Yvonne Gonzalez Rogers Honorable Peter H. Kang
12	ALL ACTIONS	STIPULATION AND [PROPOSED]
13		ORDER GOVERNING THE PRODUCTION OF
14		ELECTRONICALLY STORED INFORMATION AND HARD COPY
15		DOCUMENTS DOCUMENTS
16		
17	1. PURPOSE	
18	This Order Governing the Production of El	ectronically Stored Information and Hard Copy
19	Documents ("ESI Order") will govern discovery or	f electronically stored information and any hard
20	copy documents in this Litigation as a supplement	to the Federal Rules of Civil Procedure, this
21	District's Guidelines for the Discovery of Electron	ically Stored Information, and any other
22	applicable orders and rules. "This Litigation" inclu	des all actions currently in MDL No. 3047, In
23	Re: Social Media Adolescent Addiction/Personal I	njury Products Liability, or hereafter added or
24	transferred to MDL No. 3047, and all actions later	remanded to their respective transferor courts.
25	2. DEFINITIONS	
26	a) "Document" is defined to be synonymo	ous in meaning and equal in scope to the usage
2.7	of this term in Rules 26 and 34 of the F	ederal Rules of Civil Procedure and shall

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include Hard-Copy Documents and ESI.

- b) "Electronically stored information" or "ESI," as used herein has the same meaning as in Federal Rules of Civil Procedure 26 and 34.
- c) "Hard-Copy Document" means Documents existing in paper form at the time of collection.
- d) "Searchable Text" means the native text extracted from an Electronic Document and any Optical Character Recognition text ("OCR text") generated from a Hard-Copy Document or electronic image.

3. COOPERATION

The Parties are aware of the importance the Court places on cooperation and commit to cooperate in good faith throughout this Litigation consistent with this Court's Guidelines for the Discovery of ESI and this Court's Rules of Professional Conduct. The Parties will endeavor to cooperate in good faith and be reasonably transparent in all aspects of the discovery process.

4. LIAISON

The Parties will identify Discovery Liaisons to each other who are and will be knowledgeable about and responsible for discussing their respective ESI. Any Party is free to change their designated Discovery Liaison by providing written notice to the other Parties. Each Party's Discovery Liaison must: (a) be prepared to meet and confer on discovery-related matters and to participate in discovery dispute resolution; (b) be knowledgeable about the Party's discovery efforts; (c) be, or have reasonable access to those who are, familiar with the Party's electronic systems and capabilities in order to explain those systems and answer relevant questions; and (d) be, or have reasonable access to those who are knowledgeable about the technical aspects of discovery, including electronic document storage, organization, and format issues, and relevant information retrieval technology, including search methodology.

5. IDENTIFICATION OF CUSTODIANS AND DATA SOURCES

The parties will disclose information about custodians and custodial and non-custodial data sources likely to possess relevant or responsive information in accordance with Fed. R. Civ. P. 26 and this District's ESI Guidelines. The Parties will participate in Rule 26(f) discussions guided by this District's Checklist for Rule 26(f) Meet and Confer Regarding Electronically

2.1

Stored Information. After responses to Requests for Production under Fed. R. Civ. P. 34 have been served, the parties will meet and confer regarding those custodians and custodial and non-custodial data sources from which Documents and ESI will be collected for search and review for potential production in this litigation. The custodian and data source exchanges will include brief explanations of the rationale for their selections; for example, for custodians, their current job titles and descriptions of their work, and for data sources, location information and description.

6. INACCESSIBLE OR UNUSABLE ESI

If a Producing Party asserts that certain requested ESI is inaccessible or not "reasonably accessible," otherwise unnecessary, or if the Receiving Party asserts that, following production, certain ESI is not reasonably useable, the parties shall meet and confer to discuss resolving such assertions. The parties will exchange sufficient information to enable the parties to confer in good faith. If the parties cannot resolve any such disputes after such a meet and confer has taken place, the issue shall be presented to the Court for resolution.

7. KNOWN RESPONSIVE DOCUMENTS

Documents or ESI identified in a custodial or non-custodial file, or in a discrete folder or collection, that are known to a Producing Party through reasonable investigation to be responsive to a discovery request shall be collected for review without regard to whether the responsive content was located via any search methodology developed in accordance with this Order, and nothing about such review shall prevent the Producing Party from redacting or withholding and logging such documents for applicable privileges.

8. SEARCH METHODOLOGIES

The Parties shall adopt reasonable and proportionate methodologies to identify, search, collect, cull, review, and produce ESI as required under applicable legal standards. The Parties recognize and agree that each Party may use one or more methodologies to identify, search, collect, cull, review, and produce responsive and non-privileged ESI, including the use of keyword search terms and/or the use of technology assisted review ("TAR") as discussed further herein. The Parties further recognize that different data sets may implicate different methodologies to identify, search, collect, cull, review, and produce responsive and non-

privileged ESI. The Parties therefore agree to meet and confer in good faith regarding any potential disputes over their respective ESI productions.

9. HIT REPORTS AND SEARCH TERMS

ESI, the Producing Party shall disclose the search terms to the Requesting Party. The Parties shall meet and confer regarding any disputes over the disclosed search terms. In the event that a Producing Party claims burden with respect to modified and/or additional search terms proposed by a Requesting Party, the Producing Party shall provide a hit report for the terms at issue using industry-standard processing tools, such as NUIX or other similar tools. The Producing Party shall provide a hit report for the document collection where the terms were applied, including the following with respect to each proposed or modified search term in the collection:

- a) The number of documents with hits for that term; and
- b) The number of unique documents, i.e., documents which do not have hits for any other term.

If, after reviewing a hit report from a Producing Party, a Requesting Party so chooses, it may reasonably request a further hit report which includes:

- c) The number of family members, including the documents with hits, of the documents with hits for that term; and
- d) The number of unique family members of the documents with hits for that term.

If the ESI tool for the Producing Party is capable without undue burden of providing the number of family members and unique family members, then the Producing Party shall provide such further hit report. The Parties (including the person most knowledgeable about the capabilities of the Producing Party's ESI tool and the Requesting Party's person most knowledgeable about technical issues from its ESI service provider) shall meet and confer regarding any disputes over whether the Producing Party's ESI tool has the capability or not to provider either number of family members or number of unique family members.

The Parties shall meet and confer to resolve disagreements over the search terms or their application. To the extent the Parties are unable to reach agreement on the application of, or

procedures for, any search or filtering processes, the Parties shall fully comply with the provisions of this Court's Discovery Standing Order regarding the procedure for raising discovery disputes with the Court, including the meet and confer and certification requirements therein.

10. TECHNOLOGY ASSISTED REVIEW (TAR)

A Producing Party may use TAR (technology-assisted review) during the culling and review process of ESI, which may be applied in addition to search terms. If a Producing Party uses TAR to cull, filter out, or exclude documents from that Party's production, that Producing Party shall do the following:

- If a Producing Party chooses to apply both search terms and TAR to a review set, the Producing Party will disclose the search terms to all other Party/Parties.
- Disclose the name of the TAR tool or service used to all other Party/Parties.

11. VALIDATION

Each Producing Party shall take reasonable steps to validate its review process (i.e., using quality control measures to determine whether its production is missing relevant ESI or contains substantial amounts of irrelevant ESI) and make any necessary adjustments or corrections to its process. If, after reviewing a Producing Party's production, a Requesting Party reasonably requests additional information regarding the validation method(s) used by the Producing Party, the Producing Party will disclose the level of end-to-end recall (the percentage of responsive Documents in the collection which were identified as responsive by that Producing Party's methodology). If there remain disputes between the Parties regarding validation, the Parties shall meet and confer to resolve such disputes in good faith, including a reasonable discussion regarding the tool used and the parameters used to obtain or calculate the level of recall.

12. UNSEARCHABLE DOCUMENTS

The Producing Party shall use reasonable efforts to identify and review potentially responsive documents for which text-based search technologies are fundamentally ineffective.

13. SYSTEM FILES

Each Party will use its best efforts to filter out common system files and application executable files using the national software reference library ("NSRL") NIST hash set list. The

Parties also may filter out stand-alone files identified as zero bytes in size. Additional culling of file types based on file header information may be applied to the following, provided these files are not known to be otherwise attached, embedded in, or included with an otherwise responsive document, or are not themselves reasonably known to contain information responsive or contain responsive data or are used to interface with users or interact with or access individual or aggregated user data: Application Package File, Backup Files, Batch Files, Binary Disc Image, C++ File Formats, Cascading Style Sheet, Configuration File, Database File, Dictionary Files, Dynamic Link Library, Event Log Files, Executable Files, Hypertext Cascading Stylesheet, Java Archive Files, JavaScript Files, JavaScript Source Code and Class Files, Macintosh Resource Fork Files, Package Manager Files, Program Files, Program Installers, Python Script Files, Shell Script Files, System or Temporary Files, Thumbnail Cache Files, Troff Files, Truetype Font Files, Windows Cabinet File, Windows Command Files, Windows File Shortcut, Windows Help Files, Windows Metafiles and Enhanced Metafiles, Windows Spool Files, Windows System File.

14. **DEDUPLICATION**

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Each Producing Party shall make reasonable efforts to globally deduplicate exact duplicate Documents within that Producing Party's ESI data set across all custodial and non-custodial sources at the family level using either MD5 hash values or SHA hash values or any other agreed-upon (and disclosed) industry-standard deduplication technology. The Parties shall reach agreement on such other deduplication technology and shall reach agreement on how their deduplication tools shall identify exact duplicates of documents in a manner that is consistent with the disclosed tools and technologies a Producing Party is using. The Parties shall reach agreement on how to identify exact duplicates of emails using industry-standard commercially available software tools or services, which may for example calculate hash values of emails based on concatenated values of agreed-upon email fields and/or hash values of attachments, or which may use any other method the Parties agree upon. Having further met and conferred in keeping with the previous sentence, the Parties shall calculate deduplication hash values for emails on the concatenated values set forth in and in accordance with the documentation specifications of the disclosed deduplication tools to be used in this Litigation (i.e., RelativityOne, Relativity Server,

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and Nuix); however, if Nuix is used, the Producing Party shall select the optional field "Include Bcc" as an additional field to add to the default ones.

The Parties shall not withhold from production near-duplicates without meeting and conferring on this issue.

The names of all custodians who were either identified as custodians for purposes of collection for this matter (or otherwise known by the Producing Party to have been in possession or custody of a document prior to deduplication) will be populated in the ALL CUSTODIANS metadata field for the produced version of a document that has duplicates removed from production. The original file paths (if any exist) of a document prior to deduplication will be populated in the ALL FILE PATHS metadata field of the produced document.

15. **EMAIL THREADING**

The Parties may use analytics technology to identify email threads and shall produce the unique most inclusive copy and related family members. Where multiple email messages are part of a single chain or "thread," a Party is only required to produce the most inclusive copy of an email message(s) ("Last In Time Email(s)") and need not produce earlier, lesser inclusive email messages or "thread members," provided that the tool or software service being used to perform threading is disclosed. A Producing Party may exclude from production lesser inclusive copies of the most inclusive email message in the thread, where the entire body of each of those lesser inclusive copies is included within the Last in Time Email. The Producing Party will honor reasonable requests to produce lesser inclusive copies of a Last In Time Email or other earlier chains of emails otherwise excluded by email thread suppression.

The Parties shall treat new or different email chains or threads pursuant to further agreement on safeguards or guidelines for defining emails threads which reasonably take into account the capabilities of the email threading/dethreading/hyperthreading tools used by each Defendant (which shall be disclosed to Plaintiffs).

SOURCE CODE 16.

The Parties will meet and confer to address the production and/or inspection of source code and entering into a separate order governing the same if needed.

17. PRODUCTION FORMATS

2.1

The Parties agree to produce documents and data in the formats described in **Appendix 1** to this ESI Order. If particular documents or categories of documents identified in response to document requests warrant a different format, the Parties will cooperate to arrange for the mutually acceptable production of such documents. The Parties further agree not to degrade the searchability of documents as part of the document production process.

In addition, the Parties agree that the production and production format of social media and/or user account information is not covered by this agreement and to meet and confer on the production and production format, including metadata, for social media and/or user account information.

18. PHASING

Once the Parties begin propounding discovery requests pursuant to Fed. R. Civ. P. 34, the Parties agree to meet and confer regarding appropriate phasing for the production of ESI.

19. MISCELLANEOUS PROVISIONS

- a) Production of Plaintiffs ESI and Case-Specific Materials. Subject to any further agreement among the Parties or Order of the Court, the Parties shall produce case-specific documents (i.e., documents specific to the claim of a given Plaintiff, produced by Plaintiffs or Defendants) for any Plaintiff in discovery pools or other selections designed to inform bellwether selection, including those selected for a bellwether trial, in accordance with the production format specified herein, provided, however, that the Producing Party may elect to produce such materials in their native format. To the extent production of case-specific documents for any Plaintiff selected for a bellwether trial presents an issue for any Party, the Parties shall reasonably confer, and may present any disputes to the Court or its designee. The Parties shall further agree to confer concerning the production format and associated matters (e.g., hosting platform) for case-specific documents produced in the cases of other Plaintiffs.

 Nothing herein shall limit Defendant's right to seek discovery from any Plaintiff.
- b) Translations Of Produced Materials. The Producing Party has no obligation to

create a translation of the Documents or any portion thereof. For any foreign-language documents responsive to document requests that a Party reasonably knows as the result of a reasonable investigation have been translated into the English language using human translators or through machine translation for its own purposes, except to the extent such translation is protected by attorney-client or work-product privileges, the Producing Party shall produce the translation of the original document with the original. The parties will meet and confer as necessary concerning procedures for using translations at depositions and at trial. In the event the Parties cannot reach agreement, the matter may be submitted to the Court for determination.

- c) Third-Party Documents. A Party that issues a Non-Party subpoena ("Issuing Party") shall include a copy of this Order with the subpoena and state that (1) the subpoenaed Non-Party should produce Documents in response to the subpoena to all Parties; and (2) the Parties to this Litigation have requested that Third Parties produce Documents in accordance with the specifications set forth herein. If the subpoenaed Non-Party produces Documents to the Issuing Party but does not produce those Documents to other Parties, the Issuing Party shall produce such Documents to those other Parties within 14 days of receiving the Documents, except where the Documents are to be used in a deposition, in which case the Issuing Party shall produce such Documents to all other Parties no later than three (3) days prior to the deposition, or as soon as reasonably practicable if such production occurs thereafter. Nothing in this Order is intended or may be interpreted to narrow, expand, or otherwise affect the rights of the Parties or Third Parties to object to a subpoena. If the Non-Party production is not Bates-stamped, the Parties will meet and confer to agree upon a format for designating the documents with a unique Bates Number prefix.
- d) <u>Documents Produced by Parties Presumption of Authenticity</u>. In order to reduce the number of requests for admission, this Order establishes a rebuttable presumption that documents produced by the Parties are authentic, if said documents were either created or authored by the producing Party, or any of its employees, agents, or

contractors, so long as the employees', agents', or contractors' work was performed in connection with a project or assignment sponsored by the producing Party. No further evidence to establish authenticity need be provided. Nothing in this paragraph shall be deemed to waive any other evidentiary objection a party may have, including but not limited to hearsay, foundation/personal knowledge, or relevance.

- e) **Re-productions.** Notwithstanding any provisions to the contrary, re-production of discrete sets of documents from another litigation, arbitration, government inquiry, or other matter may be re-produced in the same manner and form as originally produced in the other matter, provided however that a party will re-produce documents in a different format for good cause shown. This provision does not waive the right of a party to object to any requests for reproduction of production files from another litigation, arbitration, government inquiry, or other matter.
- f) <u>Modification</u>. This ESI Order may be modified by a Stipulated Order of the Parties or by the Court for good cause shown.
- g) Good Faith. The Parties will act in good faith as required by law and use these procedures to identify and reduce the potential for disputes.
- h) <u>Continuing Obligations</u>. The Parties recognize that discovery shall be an iterative and cooperative process. The Parties will continue to meet and confer regarding any issues as reasonably necessary and appropriate. This Order does not address or resolve any objections to the Parties' respective discovery requests.
- i) <u>Reservation of Rights</u>. The Parties agree that any topic not addressed herein is neither a waiver nor acknowledgement of agreement by either Party.
- IT IS SO STIPULATED, through Counsel of Record.

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1	DATED: March 15, 2024	Respectfully submitted,
2		/s/ Lexi J. Hazam
3		LEXI J. HAZAM LIEFF CABRASER HEIMANN &
4		BERNSTEIN, LLP
		275 BATTERY STREET, 29 _{TH} FLOOR SAN FRANCISCO, CA 94111-3339
5		Telephone: 415-956-1000
6		lhazam@lchb.com
7		
8		PREVIN WARREN
		MOTLEY RICE LLC 401 9th Street NW Suite 630
9		Washington DC 20004
10		T: 202-386-9610
1.1		pwarren@motleyrice.com
11		Co-Lead Counsel
12		
13		CHRISTOPHER A. SEEGER SEEGER WEISS, LLP
14		55 CHALLENGER ROAD, 6TH FLOOR
		RIDGEFIELD PARK, NJ 07660
15		Telephone: 973-639-9100
16		Facsimile: 973-679-8656
17		cseeger@seegerweiss.com
18		Counsel to Co-Lead Counsel
		JENNIE LEE ANDERSON
19		ANDRUS ANDERSON, LLP
20		155 MONTGOMERY STREET, SUITE 900 SAN FRANCISCO, CA 94104
21		Telephone: 415-986-1400
		jennie@andrusanderson.com
22		Liaison Counsel
23		MATTHEW DEDOMAN
24		MATTHEW BERGMAN GLENN DRAPER
25		SOCIAL MEDIA VICTIMS LAW CENTER
26		821 SECOND AVENUE, SUITE 2100 SEATTLE, WA 98104
27		Telephone: 206-741-4862
		matt@socialmediavictims.org glenn@socialmediavictims.org
28		gieini@sociannediavietinis.org

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1	JAMES J. BILSBORROW WEITZ & LUXENBERG, PC
2	700 BROADWAY
3	NEW YORK, NY 10003
	Telephone: 212-558-5500 Facsimile: 212-344-5461
4	jbilsborrow@weitzlux.com
5	PAIGE BOLDT
6	WATTS GUERRA LLP
	4 Dominion Drive, Bldg. 3, Suite 100 San Antonio, TX 78257
7	T: 210-448-0500
8	PBoldt@WattsGuerra.com
9	THOMAS P. CARTMELL
10	WAGSTAFF & CARTMELL LLP
	4740 Grand Avenue, Suite 300 Kansas City, MO 64112
11	T: 816-701 1100
12	tcartmell@wcllp.com
13	JAYNE CONROY
14	SIMMONS HANLY CONROY, LLC
	112 MADISON AVE, 7TH FLOOR NEW YORK, NY 10016
15	Telephone: 917-882-5522
16	jconroy@simmonsfirm.com
17	CARRIE GOLDBERG C.A. GOLDBERG, PLLC
	16 Court St.
18	Brooklyn, NY 11241
19	T: (646) 666-8908
20	carrie@cagoldberglaw.com
21	SIN-TING MARY LIU
	AYLSTOCK WITKIN KREIS & OVERHOLTZ, PLLC
22	17 EAST MAIN STREET, SUITE 200
23	PENSACOLA, FL 32502
24	Telephone: 510-698-9566 mliu@awkolaw.com
25	
	ANDRE MURA GIBBS LAW GROUP, LLP
26	1111 BROADWAY, SUITE 2100
27	OAKLAND, CA 94607 Telephone: 510-350-9717
28	amm@classlawgroup.com

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3	EMMIE PAULOS
	LEVIN PAPANTONIO RAFFERTY 316 SOUTH BAYLEN STREET, SUITE 600
4	PENSACOLA, FL 32502
5	Telephone: 850-435-7107
6	epaulos@levinlaw.com
7	ROLAND TELLIS
	DAVID FERNANDES
8	BARON & BUDD, P.C. 15910 Ventura Boulevard, Suite 1600
9	Encino, CA 91436
10	Telephone: (818) 839-2333
10	Facsimile: (818) 986-9698
11	rtellis@baronbudd.com dfernandes@baronbudd.com
12	
13	ALEXANDRA WALSH WALSH LAW
	1050 Connecticut Ave, NW, Suite 500
14	Washington D.C. 20036
15	T: 202-780-3014
16	awalsh@alexwalshlaw.com
	MICHAEL M. WEINKOWITZ
17	LEVIN SEDRAN & BERMAN, LLP 510 WALNUT STREET
18	SUITE 500
19	PHILADELPHIA, PA 19106
20	Telephone: 215-592-1500 mweinkowitz@lfsbalw.com
	niwenikowitz@nsoaiw.com
21	DIANDRA "FU" DEBROSSE ZIMMERMANN
22	DICELLO LEVITT 505 20th St North
23	Suite 1500
	Birmingham, Alabama 35203
24	Telephone: 205.855.5700 fu@dicellolevitt.com
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1	ANTA A DAVAMA DEL
1	HILLARY NAPPI HACH & ROSE LLP
2	112 Madison Avenue, 10th Floor
3	New York, New York 10016
	Tel: 212.213.8311
4	hnappi@hrsclaw.com
5	JAMES MARSH
6	MARSH LAW FIRM PLLC 31 HUDSON YARDS, 11TH FLOOR
7	NEW YORK, NY 10001-2170
7	Telephone: 212-372-3030
8	jamesmarsh@marshlaw.com
9	Attorneys for Individual Plaintiffs
10	ROB BONTA
11	Attorney General
	State of California
12	_/s/ Megan O'Neill
13	Nick A. Akers (CA SBN 211222)
14	Senior Assistant Attorney General
	Bernard Eskandari (SBN 244395) Supervising Deputy Attorney General
15	Megan O'Neill (CA SBN 343535)
16	Joshua Olszewski-Jubelirer
17	(CA SBN 336428)
	Marissa Roy (CA SBN 318773) Deputy Attorneys General
18	California Department of Justice
19	Office of the Attorney General
20	455 Golden Gate Ave., Suite 11000 San Francisco, CA 94102-7004
	Phone: (415) 510-4400
21	Fax: (415) 703-5480
22	Bernard.Eskandari@doj.ca.gov
23	Attorneys for Plaintiff the People of the State of California
24	Сицопии
25	
26	
27	
28	

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1	RUSSELL COLEMAN
2	Attorney General
3	Commonwealth of Kentucky
4	/s/ J. Christian Lewis
	J. Christian Lewis (KY Bar No. 87109),
5	Pro hac vice
6	Philip Heleringer (KY Bar No. 96748), Pro hac vice
7	Zachary Richards (KY Bar No. 99209),
7	Pro hac vice app. forthcoming
8	Daniel I. Keiser (KY Bar No. 100264),
0	Pro hac vice
9	Matthew Cocanougher (KY Bar No. 94292),
10	Pro hac vice Assistant Attorneys General
1.1	1024 Capital Center Drive, Suite 200
11	Frankfort, KY 40601
12	CHRISTIAN.LEWIS@KY.GOV
1.2	PHILIP.HELERINGER@KY.GOV
13	ZACH.RICHARDS@KY.GOV
14	DANIEL.KEISER@KY.GOV
1.5	MATTHEW.COCANOUGHER@KY.GOV Phone: (502) 696-5300
15	Fax: (502) 564-2698
16	
17	Attorneys for Plaintiff the Commonwealth of
	Kentucky
18	
19	
20	
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22	
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1	COVINGTON & BURLING LLP
2	Dry /o/ Ashloy M. Simongon
	By: /s/ Ashley M. Simonsen Ashley M. Simonsen, SBN 275203
3	COVINGTON & BURLING LLP
4	1999 Avenue of the Stars
5	Los Angeles, CA 90067 Telephone: (424) 332-4800
6	Facsimile: + 1 (424) 332-4749
	Email: asimonsen@cov.com
7	Phyllis A. Jones, pro hac vice
8	Paul W. Schmidt, pro hac vice
9	COVINGTON & BURLING LLP
,	One City Center 850 Tenth Street, NW
10	Washington, DC 20001-4956
11	Telephone: + 1 (202) 662-6000
10	Facsimile: + 1 (202) 662-6291
12	Email: pajones@cov.com
13	Attorney for Defendants Meta Platforms, Inc.
14	f/k/a Facebook, Inc.; Facebook Holdings,
1.5	LLC; Facebook Operations, LLC; Facebook Payments, Inc.; Facebook Technologies, LLC;
15	Instagram, LLC; Siculus, Inc.; and Mark Elliot
16	Zuckerberg
17	FAEGRE DRINKER LLP
18	<u>By: /s/ Andrea Roberts Pierson</u>
	Andrea Roberts Pierson, pro hac vice
19	FAEGRE DRINKER LLP 300 N. Meridian Street, Suite 2500
20	Indianapolis, IN 46204
2.1	Telephone: + 1 (317) 237-0300
21	Facsimile: +1 (317) 237-1000
22	Email: andrea.pierson@faegredrinker.com
23	Amy R. Fiterman, pro hac vice
24	FAEGRE DRINKER LLP 2200 Wells Fargo Center
	90 South Seventh Street
25	Minneapolis MN 55402
26	Telephone: +1 (612) 766 7768
27	Facsimile: + 1 (612) 766 1600 Email: amy.fiterman@faegredrinker.com
27	Eman. amy.nerman@raegreurmker.com
28	Geoffrey M. Drake, pro hac vice

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1	
1	KING & SPALDING LLP 1180 Peachtree Street, NE, Suite 1600
2	Atlanta, GA 30309
3	Telephone: +1 (404) 572 4726
4	Email: gdrake@kslaw.com
	David P. Mattern, pro hac vice
5	KING & SPALDING LLP 1700 Pennsylvania Avenue, NW, Suite 900
6	Washington, D.C. 20006
7	Telephone: +1 (202) 626 2946
8	Email: dmattern@kslaw.com
	Attorneys for Defendants TikTok Inc. and
9	ByteDance Inc.
10	MUNGER, TOLLES & OLSEN LLP
11	By: /s/ Jonathan H. Blavin
12	Jonathan H. Blavin, SBN 230269 MUNGER, TOLLES & OLSON LLP
12	560 Mission Street, 27th Floor
13	San Francisco, CA 94105-3089
14	Telephone: (415) 512-4000
	Facsimile: (415) 512-4077
15	Email: jonathan.blavin@mto.com
16	Rose L. Ehler (SBN 29652)
17	Victoria A. Degtyareva (SBN 284199)
	Laura M. Lopez, (SBN 313450) Ariel T. Teshuva (SBN 324238)
18	MUNGER, TOLLES & OLSON LLP
19	350 South Grand Avenue, 50th Floor
20	Los Angeles, CA 90071-3426
20	Telephone: (213) 683-9100 Facsimile: (213) 687-3702
21	Email: rose.ehler@mto.com
22	Email: victoria.degtyareva@mto.com
23	Email: Ariel.Teshuva@mto.com
	Lauren A. Bell (pro hac vice forthcoming)
24	MUNGER, TOLLES & OLSON LLP
25	601 Massachusetts Ave., NW St., Suite 500 E
26	Washington, D.C. 20001-5369
	Telephone: (202) 220-1100
27	Facsimile: (202) 220-2300 Email: lauren.bell@mto.com
28	Linaii. iauren.oen@into.eom
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1	
1	Attorneys for Defendant Snap Inc.
2	WILSON SONSINI GOODRICH & ROSATI
3	Professional Corporation
4	<u>By: /s/ Brian M. Willen</u> Brian M. Willen (<i>pro hac vice</i>)
4	WILSON SONSINI GOODRICH & ROSATI
5	1301 Avenue of the Americas, 40th Floor
6	New York, New York 10019
	Telephone: (212) 999-5800 Facsimile: (212) 999-5899
7	Email: bwillen@wsgr.com
8	G G
9	Lauren Gallo White Samantha A. Machock
	Samanina A. Macnock WILSON SONSINI GOODRICH & ROSATI
10	One Market Plaza, Spear Tower, Suite 3300
11	San Francisco, CA 94105
10	Telephone: (415) 947-2000
12	Facsimile: (415) 947-2099 Email: lwhite@wsgr.com
13	Email: smachock@wsgr.com
14	
	Christopher Chiou WILSON SONSINI GOODRICH & ROSATI
15	953 East Third Street, Suite 100
16	Los Angeles, CA 90013
17	Telephone: (323) 210-2900
	Facsimile: (866) 974-7329 Email: cchiou@wsgr.com
18	Billati. celifod@wsgr.com
19	Attorneys for Defendants YouTube, LLC, Google
20	LLC, and Alphabet Inc.
20	WILLIAMS & CONNOLLY LLP
21	By: <u>/s/ Joseph G. Petrosinelli</u>
22	Joseph G. Petrosinelli (pro hac vice)
	jpetrosinelli@wc.com Ashley W. Hardin (<i>pro hac vice</i>)
23	ahardin@wc.com
24	680 Maine Avenue, SW
25	Washington, DC 20024
	Telephone.: 202-434-5000 Fax: 202-434-5029
26	1 ax. 202-737-3027
27	Attorneys for Defendants YouTube, LLC, Google
28	LLC, and Alphabet Inc.
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	Casse.43204409440476H3H3H3H3H1EIIIOSD HIIIMUU3216124 Haye425013459
1	MORGAN, LEWIS & BOCKIUS LLP
2	By: <u>/s/ Stephanie Schuster</u> Stephanie Schuster (<i>pro hac vice</i>)
3	stephanie.schuster@morganlewis.com
	1111 Pennsylvania Avenue NW
4	NW Washington, DC 20004-2541 Tel.: 202.373.6595
5	W 1 D 7 W (CD) (47111)
6	Yardena R. Zwang-Weissman (SBN 247111) yardena.zwang-weissman@morganlewis.com
7	300 South Grand Avenue, 22nd Floor
8	Los Angeles, CA 90071-3132 Tel.: 213.612.7238
9	Brian Ercole (pro hac vice) brian.ercole@morganlewis.com
	600 Brickell Avenue, Suite 1600 Miami, FL 33131-3075
11	Tel.: 305.415.3416
12	Attorneys for Defendants YouTube, LLC and
13	Google LLC
14	IT IS ORDERED that the foregoing Agreement is approved.
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16	Dated: March 18, 2024
17	MAGISTRATE JUDGE PETER H. KANG
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APPENDIX 1: PRODUCTION FORMAT

- 1) Production Components. Except as otherwise provided below, ESI must be produced in accordance with the following specifications:a) an ASCII delimited data file (.DAT) using standard delimiters;
 - b) an image load file (.OPT) that can be loaded into commercially acceptable production software (*e.g.* Concordance);
 - c) single page black-and-white TIFF images, or JPEG images when color is specified herein, or native files with single page placeholder TIFF images depending on the applicable production format for each type of file;
 - d) and document level .TXT files for all documents containing extracted full text or OCR text.
 - e) Family relationships between emails and their attachments, embedded files and their source document, and connected hardcopy documents will be maintained in production. Attachments should be consecutively produced with their parent.
 - f) If a particular document warrants a different production format, the Parties will cooperate in good faith to arrange for a mutually acceptable production format.
- 2) Production Media and Access Controls. Productions must be encrypted and produced through secure electronic means, such as secure file sharing methods (e.g. FTP), or on CD, DVD, flash drive or external hard drive ("Production Media"). Each piece of Production Media must identify a production number corresponding to the production volume (e.g. "VOL001"). Each piece of Production Media must also identify: (a) the case caption; (b) the following label: "This media contains material subject to Court Ordered security measures"; (c) the Producing Party's name; (d) the production date; (e) the Bates Number range of the materials contained on the Production Media.

Nothing in this ESI Order will preclude or impair any and all protections provided the Parties by any Protective Order(s) agreed and entered into by the Parties. Parties will use best efforts to avoid the unnecessary copying or transmittal of produced documents. If questions arise, the Parties will meet and confer to ensure security concerns are addressed prior to the exchange of

any documents.

- aproduction sets. The Bates Numbers in the image load file must match the corresponding documents in the image load file should match the image load file must match the corresponding of the production. The total number of pages referenced in a production's image load file should match the total number of pages referenced in a production's image load file should match the total number of TIFF files in the production. All images must be assigned a unique Bates number that is sequential within a given document and across the production sets. The Bates Numbers in the image load file must match the corresponding documents' beginning Bates numbers in the data load file. The total number of documents in a production should match the total number of records in the data load file. Load files must not vary in format or structure within a production, or from one production to another except by agreement of the Parties.
- 4) Metadata Fields. Each of the metadata and coding fields set forth below that can be extracted should be produced for each document, except that if the field contains privileged information, that privileged information may be redacted. However, to the extent that metadata does not exist, is not available for any documents produced, this provision shall not be read to require any Party to extract, capture, collect, manually populate, or produce such metadata, with the exception of the following: (a) BEGBATES, (b) ENDBATES, (c) BEGATTACH, (d) ENDATTACH, (e) PRODVOL, (f) ALL CUSTODIANS, (g) CONFIDENTIALITY, (h) REDACTIONS, (i) REDACTION TYPE, (j) HASHVALUE, (k) NATIVEFILEPATH, and (l) TEXTFILEPATH, which should be populated by the Party or the Party's vendor. The Parties will make reasonable efforts to ensure that metadata fields automatically extracted from the documents correspond directly to the information that exists in the original documents.

Field Name	Field Description
BEGBATES	Beginning Bates number for a particular document as stamped on the first production image for that document
ENDBATES	Ending Bates number as stamped on the last

Field Name	Field Description
	production image for a particular document
BEGATTACH	First production Bates number of the first document in a family
ENDATTACH	Last production Bates number of the last document in a family
ATTACHCOUNT	Number of attachments to an e-mail or embedded parent, as generated by commercially available discovery processing tools.
ATTACHNAMES	Names of each individual Attachment, separated by semicolons.
PRODVOL	Production volume
ALLCUSTODIANS	List of all custodians associated with Document, i.e. "Custodian" + "Other Custodian" values delimited by semicolon.
ALLFILEPATHS	All original path(s) to the individual source file(s) when available in the ordinary course of business to and processable by the parties and their ESI vendors of choice. Includes pa up to and including internal path of containers.
CONFIDENTIALITY	Confidentiality designation assigned to the document consistent with the Stipulated Protective Order governing this Litigation
NATIVEFILEPATH	Native File Link (Native Files only)
TEXTFILEPATH	Path to extracted text/OCR file for the document
HASHVALUE	MD5 hash value of the document
DOCUMENT TYPE	Descriptor for the type of document: "Edocument" for electronic documents not attached to e-mails; "E-mail" for all e-mails; "E-attachment" for files that were attachment to e-mails; and "Physical" for hard copy physical documents that have been scanned and converted to an electronic image.
AUTHOR	Any value populated in the Author field of t

Field Name	Field Description
	document properties
DOCDATE	Date the document was created according to filesystem information (format: MM/DD/YYYY)
DATELASTMODIFIED	Date when document was last modified according to filesystem information (forma MM/DD/YYYY)
LAST MODIFIED BY	Last person who modified (saved) a document, as generated by commercially available discovery processing tools.
TRACK CHANGES	Y if a document with track changes value, otherwise N or empty, if available separate from the HASHIDDENDATA flag
COMMENTS	Y if a document with comments, otherwise or empty, if available separately from the HASHIDDENDATA flag
HASHIDDENDATA	Y if a document with hidden content value otherwise N or empty
FILENAME	Filename of an electronic document
TITLE	Any value populated in the Title field of th document properties
DOCEXT	File extension of document pulled from the document properties
FROM	The sender of the email
ТО	All recipients that were included on the "T line of the email
CC	All recipients that were included on the "C line of the email
BCC	All recipients that were included on the "BCC" line of the email
DATETIMERECEIVED	Date and time email was received (format: MM/DD/YYYY HH:MM)
DATETIMESENT	Date and time email was sent (format: MM/DD/YYYY HH:MM)

Field Name	Field Description
TIMEZONE	The timezone used to process the document
EMAILSUBJECT	Subject line of email pulled from the document properties
THREADID	If a threading tool is used for emails, the thread id generated by the threading tool.
REDACTION TYPE ¹	General category of redaction reason as agreed to by the parties. For example, PII, SCA, CODE, and/or PRIV. If more than one, separate reasons by semicolons.
REDACTIONS	Y if a document is redacted, otherwise N or empty

- 5) TIFFs. Unless excepted below, single page, black and white, Group IV TIFFs should be provided, at least 300 dots per inch (dpi) for all documents. Each TIFF image must be named according to a unique corresponding Bates number associated with the document. Each image must be branded according to the Bates number and the agreed upon confidentiality designation. Original document orientation should be maintained (i.e., portrait to portrait and landscape to landscape). Where the TIFF image is unreadable or has materially degraded the quality of the original, the Producing Party shall provide a higher quality TIFF image or the native or original file. In addition, the Parties shall take reasonable efforts to process word processing documents (e.g., MS Word) with track changes and/or comments unhidden on the TIFF image.
- 6) Color. Word processing documents containing tracked changes shall be produced in color, as single-page, 300 dpi JPG images with JPG compression and a high quality setting as to not degrade the original image. The Producing Party shall comply with good faith by the Requesting Party to provide replacement color images for documents originally produced in black and white. A Party making such a request shall make the request by individual Bates

¹ The Parties will provide specific information on any privilege(s) asserted in their privilege logs, in an overlay, or the redaction boxes. The "Redaction Reason" field is informational only for redaction type and shall not in any way limit a party's right to assert attorney-client privilege, attorney-work product privilege, and/or any other applicable privilege or protection.

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number(s) and shall limit requests made pursuant to this paragraph to a reasonable number of documents.

- **7**) **Text Files.** A single multi-page text file must be provided for each document, and the filename should match its respective TIFF filename for the first page of that document. Extracted text shall be generated with commercially acceptable technology set to include all comments, revisions, tracked changes, speaker's notes and text from documents with comments or tracked changes, and hidden and very hidden worksheets, slides, columns and rows. When possible, the text of native files should be extracted directly from the native file. Parties will perform optical character recognition ("OCR") on foreign language documents using the appropriate settings for languages reasonably anticipated to be in the production following a meet and confer with the Requesting Party to identify those languages. Text files will not contain the redacted portions of the documents. A commercially acceptable technology for OCR should be used for all scanned, hard copy documents and for documents with redactions other than Excel files and other spreadsheets which shall be redacted in native format. Text extracted from emails should include the following header information where available: (1) the individuals to whom the communication was directed ("To"), (2) the author of the email communication ("From"), (3) who was copied and blind copied on such email ("CC" and "BCC"), (4) the subject line of the email ("RE" or "Subject"), and (5) the date and time of the email. To the extent the text extraction technology the Parties are using can be configured to include the text of any URLs or links, the Parties shall utilize that setting.
- Native files. Spreadsheets (*e.g.* MS Excel), and un-redacted presentations (e.g. Microsoft PowerPoint,) will be produced in native format to the extent that they are produced in this Litigation, audio, video, and multi-media files will be produced in native format. The Parties will meet and confer on the production of other file types, such as proprietary files, etc. Native files will be produced with a link in the NATIVEFILEPATH field, along with extracted text (where extracted text is available) and applicable metadata fields set forth in paragraph 4 above. A Bates numbered TIFF placeholder indicating that the document was provided in native format must accompany every native file. Where redaction makes production of native-format

files other than spreadsheets or presentations infeasible, the Parties will confer to determine a reasonably usable form for the production, but spreadsheets shall presumptively be redacted in native, and presentations presumptively redacted in image form, in these cases without the need for further conferring.

- hardcopy will be scanned to *.tiff image format and produced in accordance with the specifications set forth herein. Hard copy documents that are not text-searchable shall be made searchable by OCR prior to production. In scanning paper documents, distinct documents should not be merged into a single record, and single documents should not be split into multiple records (i.e., paper documents should be logically unitized). In the case of an organized compilation of separate documents (for example, a binder containing several separate documents behind numbered tabs), the document behind each tab should be scanned separately, but the relationship among the documents in the compilation should be reflected in the proper coding of the beginning and ending document and attachment fields. The Parties will make their best efforts to unitize the documents correctly. If relevant documents are maintained in a file, folder, envelope, binder, notebook or similar container used to store documents, all contents therein shall be reviewed for production and privilege. Document pages which have affixed notes, such as Post-it notes, should be imaged with and without the note attached.
- **10)** Confidentiality Designation. All images will be stamped with the appropriate confidentiality designations in accordance with the Stipulated Protective Order entered in this Litigation. Each document produced in native format will have its confidentiality designation identified in the filename of the native file and indicated on its corresponding TIFF placeholder.
- 11) Bates Numbering. Bates numbering should be a consistent length across the production, contain no special characters, and be numerically sequential within a given document. If a Bates number or set of Bates numbers is skipped, the skipped number or set of numbers should be noted with a placeholder. Attachments to documents will be assigned Bates numbers that directly follow the Bates numbers on the documents to which they were attached.

In addition, wherever possible, each image will have its assigned Bates number electronically "burned" onto the image.

- information is stored in a database, or database management system, or proprietary system or application which has is directed to data storage as one of its primary functions, the Producing Party will identify the database and platform to the Requesting Party. The Producing Party shall produce exports and reports about such responsive information stored in such database, where such exports and reports shall be in a reasonably usable form, and information may be produced in CSV format, tab-delimited text format, Microsoft Excel format, or Microsoft Access format. If there are future disputes over the production of information from a database, the Parties shall meet and confer in good faith in an attempt to reach any further agreements (if needed) on the data to be produced and the format and scope of the production. The Producing Party will provide reasonable amounts of information about the databases to facilitate that discussion.
- inside a responsive document (including hyperlinked inside emails) within a Producing Party's custody, possession, or control, do not need to be produced in the first instance as part of the same family group as the Document residing at the location to which that hyperlink points. If there are particular hyperlinks identified by the Requesting Party in produced documents, the Requesting Party may submit a list of hyperlinks to a particular Producing Party for potentially relevant documents by identifying the Bates number and URL or link text for each requested link to the Producing Party, and the Producing Party will engage in reasonable efforts to locate the hyperlinked document at that location and either identify it by Bates number or provide any responsive, non-produced, and non-privileged documents. The number of hyperlinks a Requesting Party may identify to a Producing Party shall not be excessive and shall be reasonable, proportional to the needs of the case, and not unduly burdensome.
- **14**) **Embedded Objects.** The Parties agree non-substantive embedded objects, including, but not limited to, logos, icons, emoticons, and footers, may be culled from a document set (but not a document) and need not be produced as separate documents by a

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Producing Party (i.e., such embedded objects will be produced within the document itself, rather than as separate documents). Embedded files, except for images (including but not limited to, logos, icons, emoticons), are to be produced as family groups. Embedded files should be assigned Bates numbers that directly follow the Bates numbers on the documents within which they are embedded.

- **15**) **Production of Family Groups and Relationships**. If any member of a family group is produced, all members of that group must also be produced or else logged as privileged, and no such member shall be withheld from production as a duplicate.
- Dynamic Fields. Documents with dynamic fields for file names, dates, and **16**) times will be imaged to show the field code (e.g., "[FILENAME]") where possible, rather than the values for such fields existing at the time the file is processed.
- **17**) **Time Zone**. The time zone used to process a document, including its metadata, shall be disclosed in the TIMEZONE metadata field consistent with Appendix 1, and shall be standardized for each Defendant across productions.

18) Redactions.

- A Producing Party may redact (i) information subject to the attorney client a) privilege or the work product protection (PRIV); (ii) information that cannot be disclosed pursuant to the Stored Communications Act (SCA); (iii) source code subject to separate agreement applicable to production of source code (CODE); (iv) personal identifying information (PII) including phone numbers, personal addresses, personal email addresses, the month and day of birth, driver's license numbers, and other PII agreed to by the Parties (for example, the Parties shall complete their meet and confer on whether or not to redact users' ages and years of birth). In any event, there shall be no redaction of illnesses, injuries, and medical diagnoses. To the extent a document or pleading contains PII, the Parties shall designate such documents at the appropriate Confidentiality level under the Protective Order and shall comply with Fed. R. Civ. P. 5.2 with regard to filings with the Court.
- No redactions for relevance may be made within a produced document or ESI b) item. If, during the course of discovery, the Parties identify other kinds of information that any STIP. & [Proposed] Order Governing the

Party has a reasonable basis for redacting, the Parties will meet and confer on a case-by-case basis regarding that information before such redactions are made. If the Parties cannot agree, they may seek resolution from the Court.

- c) The Producing Party will indicate, on the face of the redaction, the asserted reason(s) for the redaction (PII, SCA, CODE, and/or PRIV) and the REDACTION TYPE metadata field shall indicate that the document contains redactions and the reason(s) for the redaction.
- d) Notwithstanding the foregoing, this provision shall not be read to prohibit redactions permitted under any applicable U.S. law or Protective Order.
- e) Where a responsive document contains both redacted and non-redacted content, the Parties shall produce the non-redacted portions of the document and the OCR text corresponding to the non-redacted portions.
- f) Native Redactions. Spreadsheet files requiring redaction, including without limitation Microsoft Excel files, shall be redacted and produced natively (unless the Parties agree to production in some other format). In addition, a Producing Party may natively redact other files that cannot be properly imaged for redaction.
- g) All images of redacted files shall be processed to show all comments, revision marks, speaker notes, marks made in track changes, or other user-entered data which are visible in a normal view of the document in its native application, unless such material is redacted and marked as redacted in accordance with this section. Where possible, any occurrences of date/time auto-field items, including in headers and footers, will be removed and replaced with the term AUTODATE to prevent the current date from being printed. Email header information (e.g., date and/or subject line) shall not be redacted unless it is independently privileged. The Parties shall honor reasonable requests for the production of particular redacted documents in other formats where the image is not reasonably usable.
- h) Color. Redacted versions of documents that would have been produced in color in their un-redacted form shall be produced in color as detailed herein.

-) **Exception Files**. The Parties will use reasonable efforts to address processing exceptions.
- data that can reasonably be extracted and produced in the formats described herein is identified on a mobile or handheld device, that data shall be produced in accordance with the generic provisions of this protocol. To the extent that responsive data identified on a mobile or handheld device is not susceptible to normal production protocols, the Parties will meet and confer to address the identification, production, and production format of any responsive documents and data contained on any mobile or handheld device.